{deleted text} shows text that was in SB0199S02 but was deleted in SB0199S04.

inserted text shows text that was not in SB0199S02 but was inserted into SB0199S04.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator {Karen Mayne} Daniel W. Thatcher proposes the following substitute bill:

#### LOCAL GOVERNMENT REVISIONS

2015 GENERAL SESSION STATE OF UTAH

**Chief Sponsor: Karen Mayne** 

House Sponsor: Eric K. Hutchings

#### **LONG TITLE**

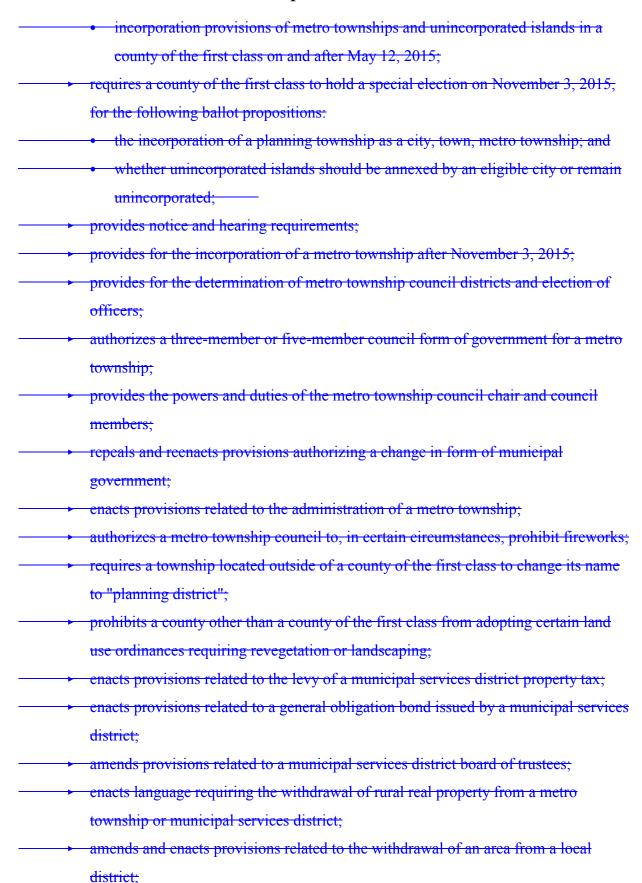
#### **General Description:**

This bill <del>{enacts}</del> <u>amends</u> provisions related to <del>{local government}</del> <u>incorporation and annexation</u>.

#### **Highlighted Provisions:**

#### This bill:

- \{\text{defines terms};}\)
- provides population classification for a metro township;
- amends municipal annexation provisions;
- enacts "Municipal Incorporation," including:
  - general provisions;
  - <u>}extends the moratorium on incorporation {provisions of a city;</u>
  - incorporation provisions of a town; and



- enacts provisions related to an audit of a municipal services district;
- authorizes a metro township to levy a 911 charge and impose a sales and use tax;
   and
- makes technical and conforming amendments} procedures and annexation procedures.

# Money Appropriated in this Bill:

None

#### **Other Special Clauses:**

- { This bill provides revisor instructions.
- This bill provides a coordination clause to reconcile conflicts between this bill and other legislation.}

  None

#### **Utah Code Sections Affected:**

#### AMENDS:

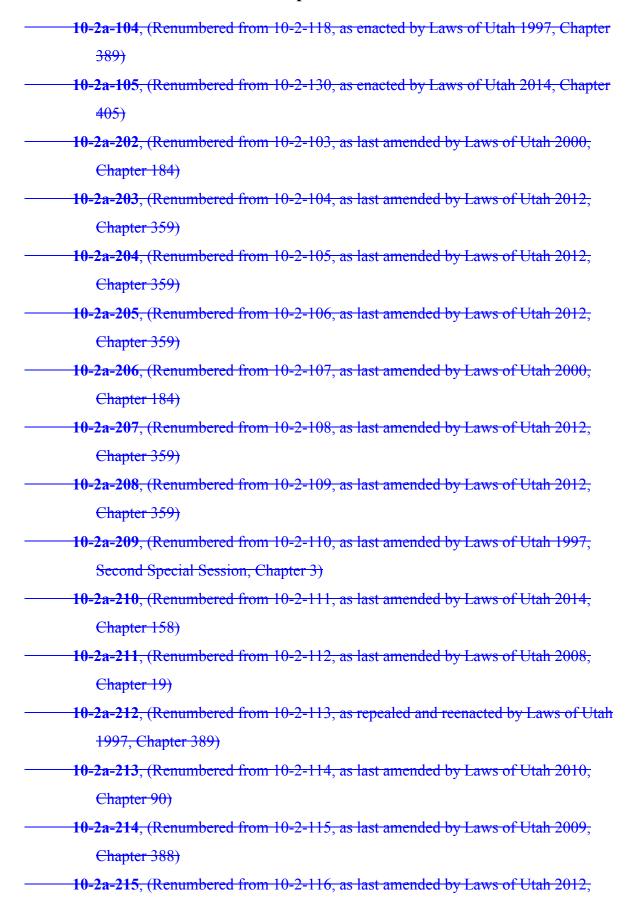
```
{10-1-104}10-2-130, as {last amended}enacted by Laws of Utah {2003, Chapter 292
10-1-114, as last amended by Laws of Utah 2014, Chapter 189
10-2-302, as last amended by Laws of Utah 2009, Chapter 350
10-2-401, as last amended by Laws of Utah 2009, Chapters 92, 205, and 230
10-2-402, as last amended by Laws of Utah 2011, Chapter 234
10-2-403, as last amended by Laws of Utah 2010, Chapter 378
10-2-405, as last amended by Laws of Utah 2009, Chapter 205
10-2-407, as last amended by Laws of Utah 2010, Chapters 90 and 218
10-2-408, as last amended by Laws of Utah 2009, Chapter 205
10-2-408.5, as enacted by Laws of Utah 2009, Chapter 205
10-2-411, as last amended by Laws of Utah 2004, Chapters 90 and 202
10-2-413, as last amended by Laws of Utah 2009, Chapter 230
10-2-414, as last amended by Laws of Utah 2009, Chapter 205
10-2-415, as last amended by Laws of Utah 2010, Chapter 90
10-2-416, as last amended by Laws of Utah 2001, Chapter 206
10-2-418, as last amended by Laws of Utah 2010, Chapter 90
10-2-425, as last amended by Laws of Utah 2009, Chapter 350
10-3-205.5, as last amended by Laws of Utah 2003, Chapter 292
```

```
10-3-1302, as enacted by Laws of Utah 1981, Chapter 57
10-3b-102, as enacted by Laws of Utah 2008, Chapter 19
10-3b-103, as last amended by Laws of Utah 2011, Chapter 209
10-3b-202, as last amended by Laws of Utah 2011, Chapter 209
10-6-106, as last amended by Laws of Utah 2014, Chapters 176, 253, 377 and last
    amended by Coordination Clause, Laws of Utah 2014, Chapter 253
10-6-111, as last amended by Laws of Utah 2010, Chapter 378
15A-5-202.5, as last amended by Laws of Utah 2014, Chapter 243
17-23-17, as last amended by Laws of Utah 2007, Chapter 329
17-23-17.5, as last amended by Laws of Utah 2014, Chapter 189
17-27a-103, as last amended by Laws of Utah 2014, Chapters 136 and 363
17-27a-301, as last amended by Laws of Utah 2014, Chapter 189
17-27a-302, as last amended by Laws of Utah 2012, Chapter 359
17-27a-306, as last amended by Laws of Utah 2010, Chapters 90 and 218
17-27a-505, as last amended by Laws of Utah 2013, Chapter 476
17-34-3, as last amended by Laws of Utah 2013, Chapter 371
17-41-101, as last amended by Laws of Utah 2014, Chapter 65
17B-1-502, as last amended by Laws of Utah 2014, Chapter 405
17B-1-505, as last amended by Laws of Utah 2011, Chapter 68
17B-1-1002, as last amended by Laws of Utah 2011, Chapter 282
17B-1-1102, as enacted by Laws of Utah 2007, Chapter 329
17B-2a-1102, as enacted by Laws of Utah 2014, Chapter 405
17B-2a-1103, as enacted by Laws of Utah 2014, Chapter 405
17B-2a-1104, as enacted by Laws of Utah 2014, Chapter 405
17B-2a-1106, as enacted by Laws of Utah 2014, Chapter 405
17B-2a-1107, as enacted by Laws of Utah 2014, Chapter 405
20A-1-102, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
20A-1-201.5, as last amended by Laws of Utah 2013, Chapter 320
20A-1-203, as last amended by Laws of Utah 2014, Chapter 158
20A-1-204, as last amended by Laws of Utah 2013, Chapters 295 and 415
20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
```

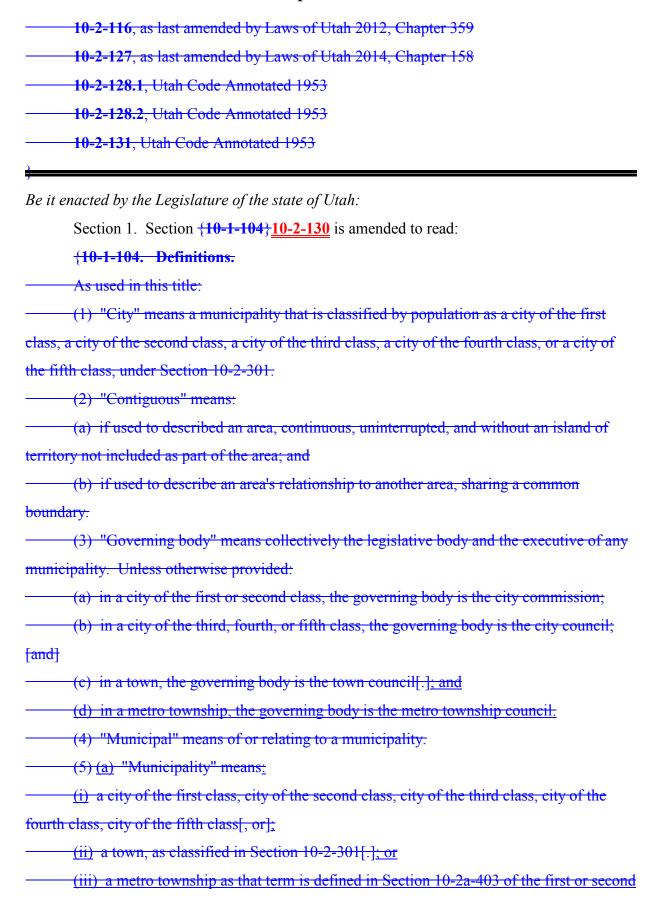
```
53-2a-208, as renumbered and amended by Laws of Utah 2013, Chapter 295
      53-2a-802, as renumbered and amended by Laws of Utah 2013, Chapter 295
      53A-2-118.1, as last amended by Laws of Utah 2011, Chapter 300
      53A-2-402, as enacted by Laws of Utah 2006, Chapter 339
      53B-21-107, as enacted by Laws of Utah 1987, Chapter 167
      59-12-203, as renumbered and amended by Laws of Utah 1987, Chapter 5
<u>}2014, Chapter 4</u>05
       63I-2-210, as last amended by Laws of Utah 2014, Chapter 405
      67-1a-2, as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
          amended by Coordination Clause, Laws of Utah 2013, Chapter 182
      69-2-5, as last amended by Laws of Utah 2014, Chapter 320
      69-2-5.5, as last amended by Laws of Utah 2014, Chapter 320
      69-2-5.6, as last amended by Laws of Utah 2014, Chapter 320
      69-2-5.7, as last amended by Laws of Utah 2014, Chapter 320
      78A-7-202, as last amended by Laws of Utah 2012, Chapter 205
ENACTS:
      10-2-301.5, Utah Code Annotated 1953
      10-2a-101, Utah Code Annotated 1953
      10-2a-201, Utah Code Annotated 1953
      10-2a-301, Utah Code Annotated 1953
      10-2a-401, Utah Code Annotated 1953
      10-2a-402, Utah Code Annotated 1953
      10-2a-403, Utah Code Annotated 1953
      10-2a-404, Utah Code Annotated 1953
      10-2a-405, Utah Code Annotated 1953
      10-2a-406, Utah Code Annotated 1953
      10-2a-407, Utah Code Annotated 1953
      10-2a-408, Utah Code Annotated 1953
      10-2a-409, Utah Code Annotated 1953
      10-2a-410, Utah Code Annotated 1953
```

10-2a-411, Utah Code Annotated 1953

10-2a-412, Utah Code Annotated 1953
10-2a-413, Utah Code Annotated 1953
10-2a-414, Utah Code Annotated 1953
10-3b-601, Utah Code Annotated 1953
10-3b-602, Utah Code Annotated 1953
10-3b-603, Utah Code Annotated 1953
10-3b-604, Utah Code Annotated 1953
10-3b-605, Utah Code Annotated 1953
10-3b-606, Utah Code Annotated 1953
10-3b-607, Utah Code Annotated 1953
10-3c-101, Utah Code Annotated 1953
10-3c-102, Utah Code Annotated 1953
10-3c-103, Utah Code Annotated 1953
10-3c-201, Utah Code Annotated 1953
10-3c-202, Utah Code Annotated 1953
10-3c-203, Utah Code Annotated 1953
10-3c-204, Utah Code Annotated 1953
10-3c-205, Utah Code Annotated 1953
17B-2a-1110, Utah Code Annotated 1953
17B-2a-1111, Utah Code Annotated 1953
17B-2a-1112, Utah Code Annotated 1953
REPEALS AND REENACTS:
10-3b-501, as enacted by Laws of Utah 2008, Chapter 19
10-3b-502, as enacted by Laws of Utah 2008, Chapter 19
10-3b-503, as last amended by Laws of Utah 2011, Chapter 209
10-3b-504, as enacted by Laws of Utah 2008, Chapter 19
RENUMBERS AND AMENDS:
10-2a-102, (Renumbered from 10-2-101, as last amended by Laws of Utah 2012,
<del>Chapter 359)</del>
10-2a-103, (Renumbered from 10-2-102, as last amended by Laws of Utah 2012,
<del>Chapter 359)</del>

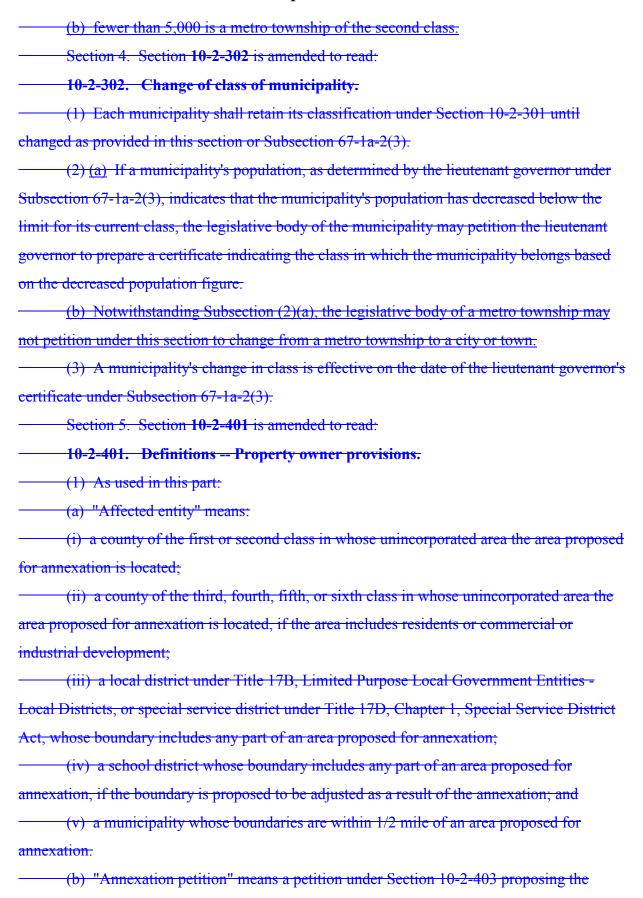


<del>Chapter 359)</del>
10-2a-216, (Renumbered from 10-2-117, as enacted by Laws of Utah 1997, Chapter
<del>389)</del>
10-2a-217, (Renumbered from 10-2-119, as last amended by Laws of Utah 2009,
<del>Chapter 350)</del>
10-2a-218, (Renumbered from 10-2-120, as last amended by Laws of Utah 2009,
Chapter 350)
10-2a-219, (Renumbered from 10-2-121, as last amended by Laws of Utah 2009,
Chapter 350)
10-2a-220, (Renumbered from 10-2-123, as enacted by Laws of Utah 1997, Chapter
<del>389)</del>
10-2a-221, (Renumbered from 10-2-124, as repealed and reenacted by Laws of Utah
<del>2012, Chapter 359)</del>
10-2a-302, (Renumbered from 10-2-125, as last amended by Laws of Utah 2014,
<del>Chapter 189)</del>
10-2a-303, (Renumbered from 10-2-126, as last amended by Laws of Utah 2014,
<del>Chapter 189)</del>
10-2a-304, (Renumbered from 10-2-127, as last amended by Laws of Utah 2014,
<del>Chapter 158)</del>
10-2a-305, (Renumbered from 10-2-128, as enacted by Laws of Utah 2012, Chapter
<del>359)</del>
10-2a-306, (Renumbered from 10-2-129, as enacted by Laws of Utah 2012, Chapter
<del>359)</del>
REPEALS:
10-3b-505, as enacted by Laws of Utah 2008, Chapter 19
10-3b-506, as enacted by Laws of Utah 2008, Chapter 19
10-3b-507, as enacted by Laws of Utah 2008, Chapter 19
17-27a-307, as last amended by Laws of Utah 2008, Chapter 250
<b>Utah Code Sections Affected by Coordination Clause:</b>
10-2-102.13, Utah Code Annotated 1953
10-2-111, as last amended by Laws of Utah 2014, Chapter 158

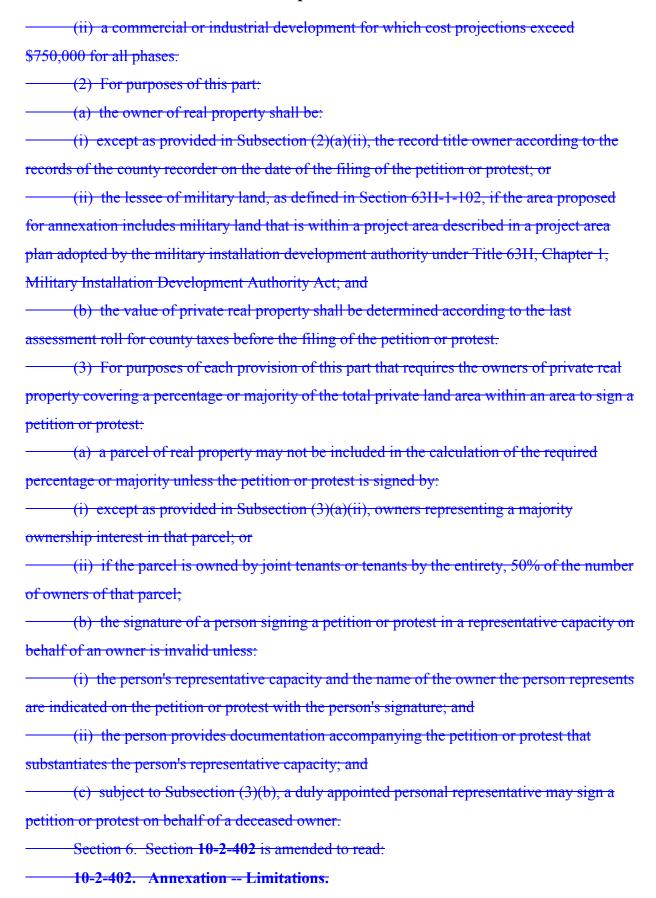


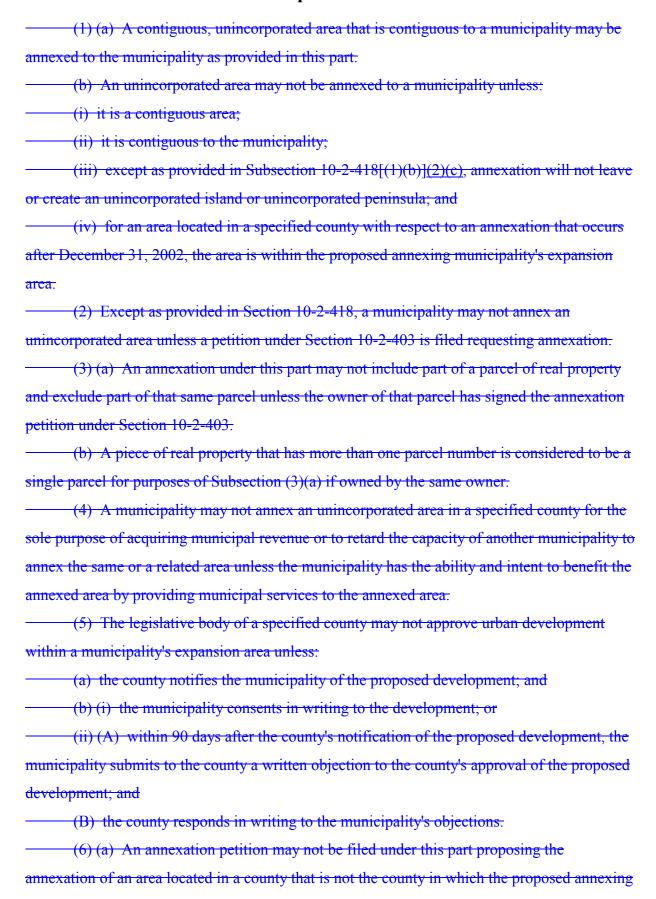
class unless the term is used in the context of authorizing, governing, or otherwise regulating

the provision of municipal services. (6) "Peninsula," when used to describe an unincorporated area, means an area surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area. (7) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity. (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules, and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law. (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk. (10) "Town" means a municipality classified by population as a town under Section <del>10-2-301.</del> (11) "Unincorporated" means not within a municipality. Section 2. Section 10-1-114 is amended to read: <del>10-1-114. Repealer.</del> Title 10, Chapter 1, General Provisions; Chapter 2, [Incorporation,] Classification, Boundaries, Consolidation, and Dissolution of Municipalities; Chapter 3, Municipal Government; Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; and Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, are repealed, except as provided in Section <del>10-1-115.</del> Section 3. Section 10-2-301.5 is enacted to read: CHAPTER 2. CLASSIFICATION, BOUNDARIES, CONSOLIDATION, AND **DISSOLUTION OF MUNICIPALITIES** <u>10-2-301.5.</u> Classification of metro townships according to population. (1) Each metro township, as defined in Section 10-2a-403, shall be classified according to its population, as provided in this section. (2) A metro township with a population of: (a) 5,000 or more is a metro township of the first class; and



annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality. (c) "Commission" means a boundary commission established under Section 10-2-409 for the county in which the property that is proposed for annexation is located. (d) "Expansion area" means the unincorporated area that is identified in an annexation policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in the future. (e) "Feasibility consultant" means a person or firm with expertise in the processes and economics of local government. (f) "Municipal selection committee" means a committee in each county composed of the mayor of each municipality within that county. (g) "Planning district" means the same as that term is defined in Section 17-27a-306. [(g)] (h) "Private," with respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, a municipality, a school district, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or any other political subdivision or governmental entity of the state. [(h)] (i) "Specified county" means a county of the second, third, fourth, fifth, or sixth class. (i) "Township" has the same meaning as defined in Section 17-27a-103. (j) "Unincorporated peninsula" means an unincorporated area: (i) that is part of a larger unincorporated area; (ii) that extends from the rest of the unincorporated area of which it is a part; (iii) that is surrounded by land that is within a municipality, except where the area connects to and extends from the rest of the unincorporated area of which it is a part; and (iv) whose width, at any point where a straight line may be drawn from a place where it borders a municipality to another place where it borders a municipality, is no more than 25% of the boundary of the area where it borders a municipality. (k) "Urban development" means: (i) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or

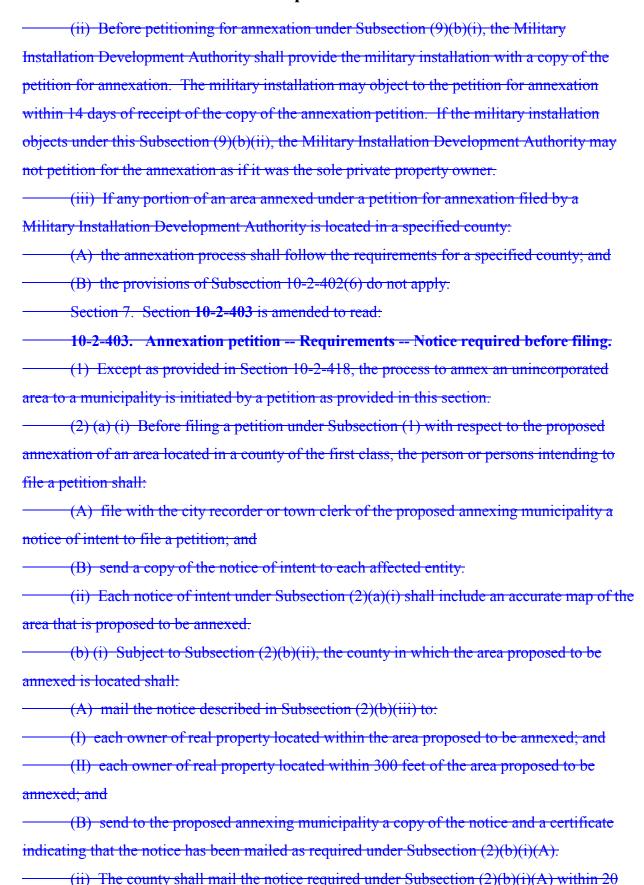


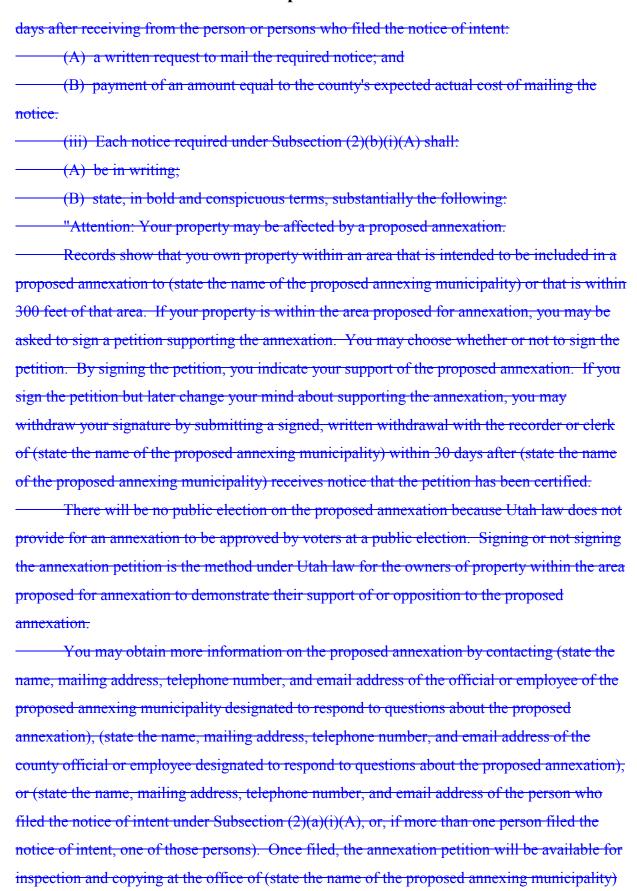


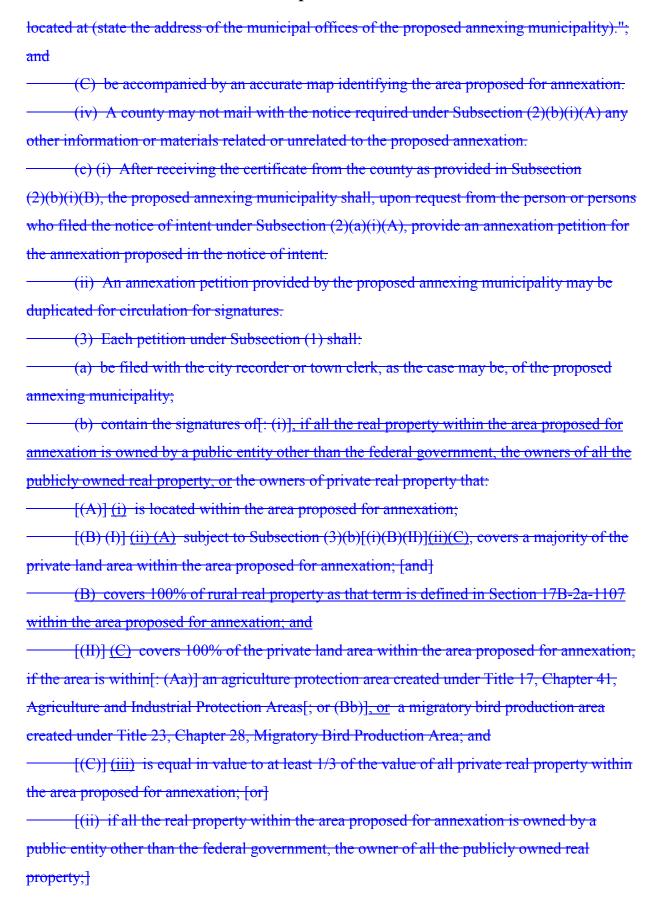
municipality is located unless the legislative body of the county in which the area is located has adopted a resolution approving the proposed annexation.

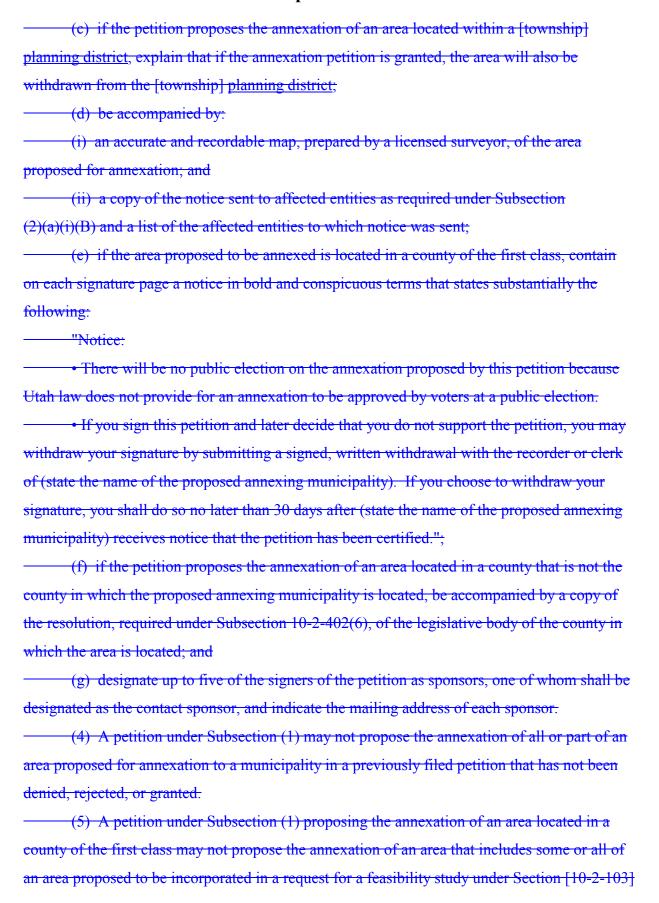
- (b) Each county legislative body that declines to adopt a resolution approving a proposed annexation described in Subsection (6)(a) shall provide a written explanation of its reasons for declining to approve the proposed annexation.
- (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.
- (b) A municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.
- (c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.
- (8) An annexation petition may not be filed if it proposes the annexation of an area that is within a proposed [township] planning district in a petition to establish a [township] planning district under Subsection 17-27a-306(1)(c) that has been certified under Subsection 17-27a-306(1)[(f)](g), until after the canvass of an election on the proposed [township] planning district under Subsection 17-27a-306(1)[(h)](j).
- (9) (a) A municipality may not annex an unincorporated area located within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, without the authority's approval.
- (b) (i) Except as provided in Subsection (9)(b)(ii), the Military Installation

  Development Authority may petition for annexation of a project area and contiguous
  surrounding land to a municipality as if it was the sole private property owner of the project
  area and surrounding land, if the area to be annexed is entirely contained within the boundaries
  of a military installation.

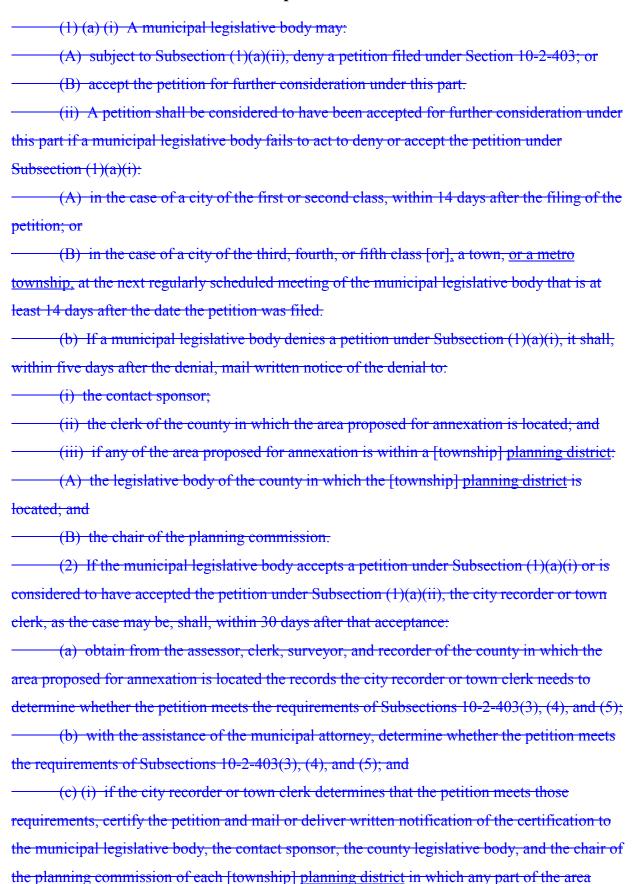




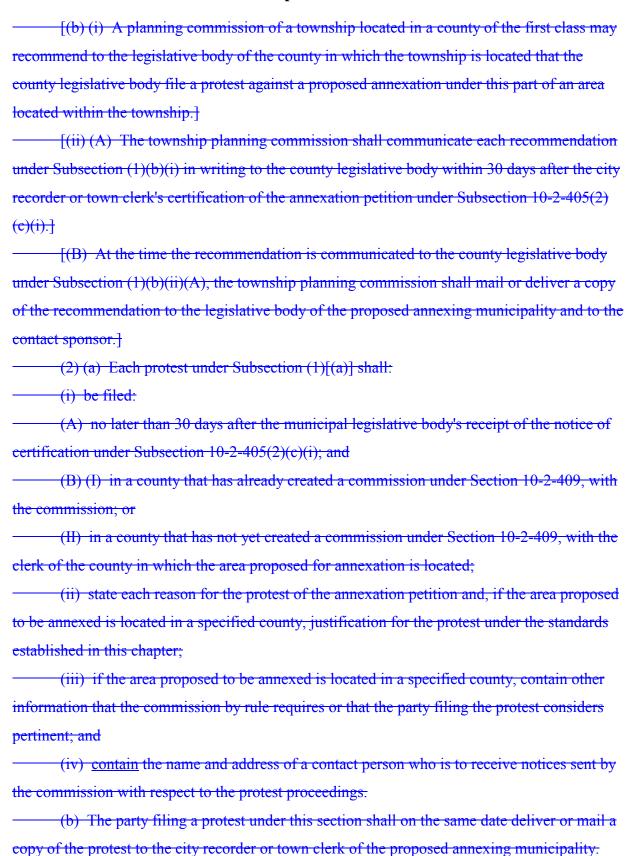




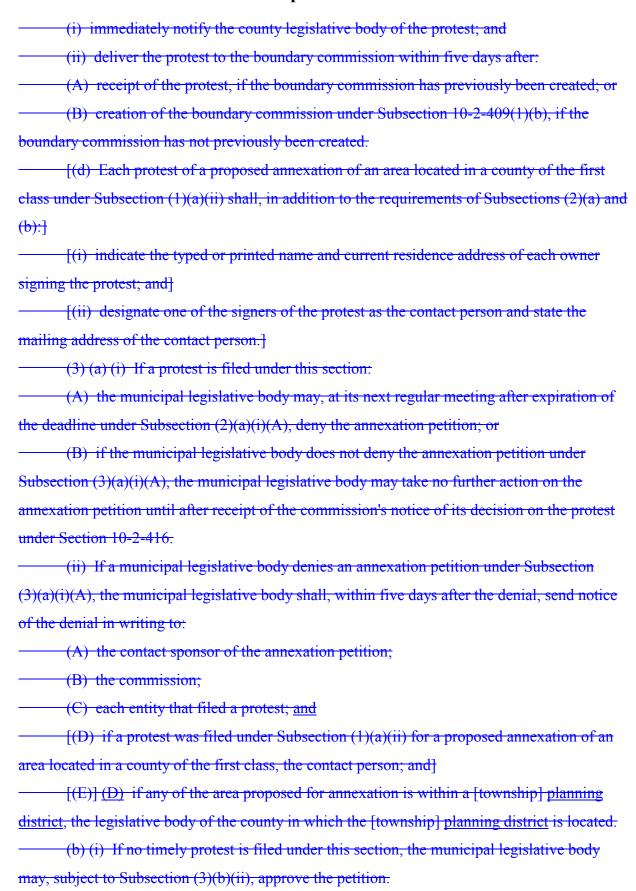
10-2a-202 or a petition under Section [10-2-125] 10-2a-302 if: (a) the request or petition was filed before the filing of the annexation petition; and (b) the request, a petition under Section [10-2-109] 10-2a-208 based on that request, or a petition under Section [10-2-125] 10-2a-302 is still pending on the date the annexation petition is filed. (6) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn: (a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities; (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services: (c) to facilitate the consolidation of overlapping functions of local government; (d) to promote the efficient delivery of services; and (e) to encourage the equitable distribution of community resources and obligations. (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to: (a) the clerk of the county in which the area proposed for annexation is located; and (b) if any of the area proposed for annexation is within a [township] planning district: (i) the legislative body of the county in which the [township] planning district is located; and (ii) the chair of the [township] planning district planning commission. (8) A property owner who signs an annexation petition proposing to annex an area located in a county of the first class may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i). Section 8. Section 10-2-405 is amended to read: 10-2-405. Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.

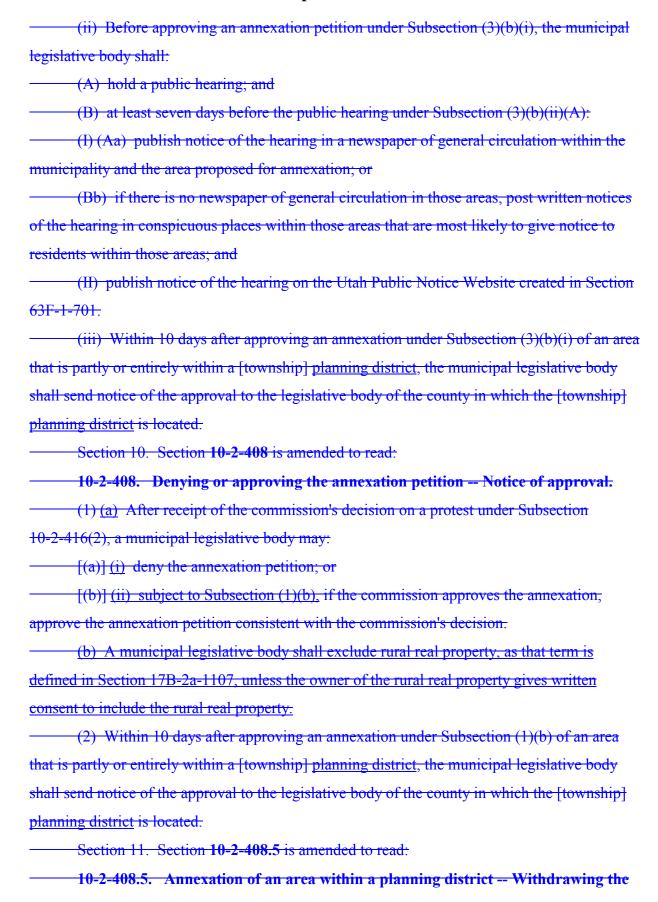


proposed for annexation is located; or (ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each [township] planning district in which any part of the area proposed for annexation is located. (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be. (ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i). (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1). (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a city recorder or town clerk requests under Subsection (2)(a). Section 9. Section 10-2-407 is amended to read: 10-2-407. Protest to annexation petition -- Planning district planning commission recommendation -- Petition requirements -- Disposition of petition if no protest filed. (1) [(a)] A protest to an annexation petition under Section 10-2-403 may be filed by: [(i)] (a) the legislative body or governing board of an affected entity; [or] (b) the owner of rural real property as defined in Section 17B-2a-1107; or [(ii)] (c) for a proposed annexation of an area within a county of the first class, the owners of private real property that: [(A)] (i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation; [(B)] (ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and -[(C)] (iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.



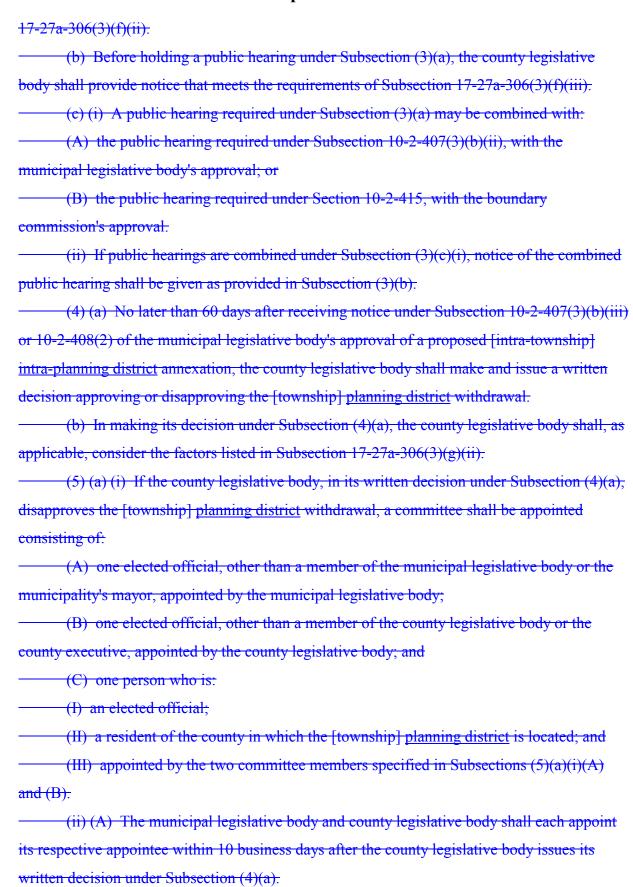
(c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

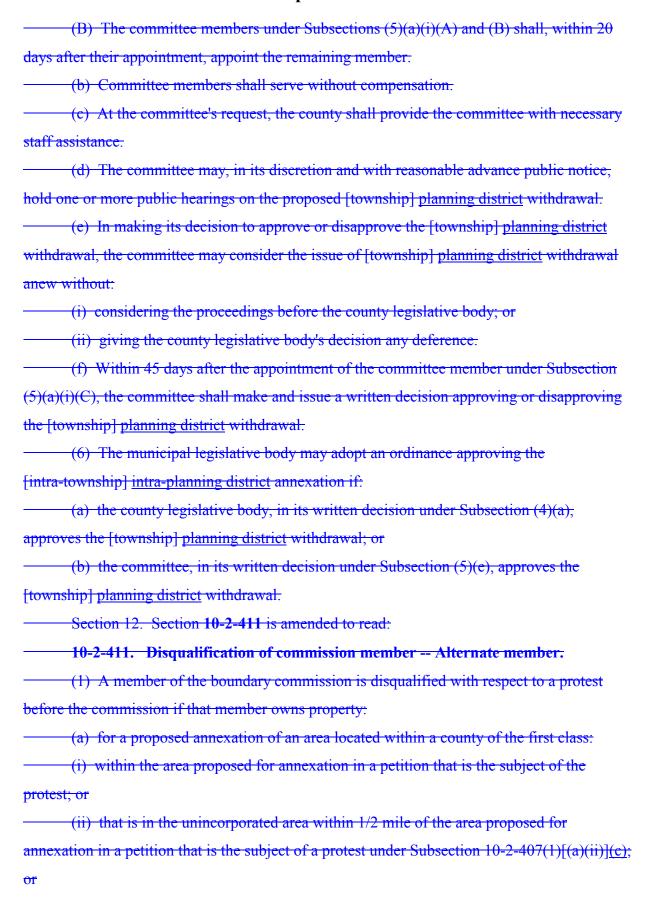


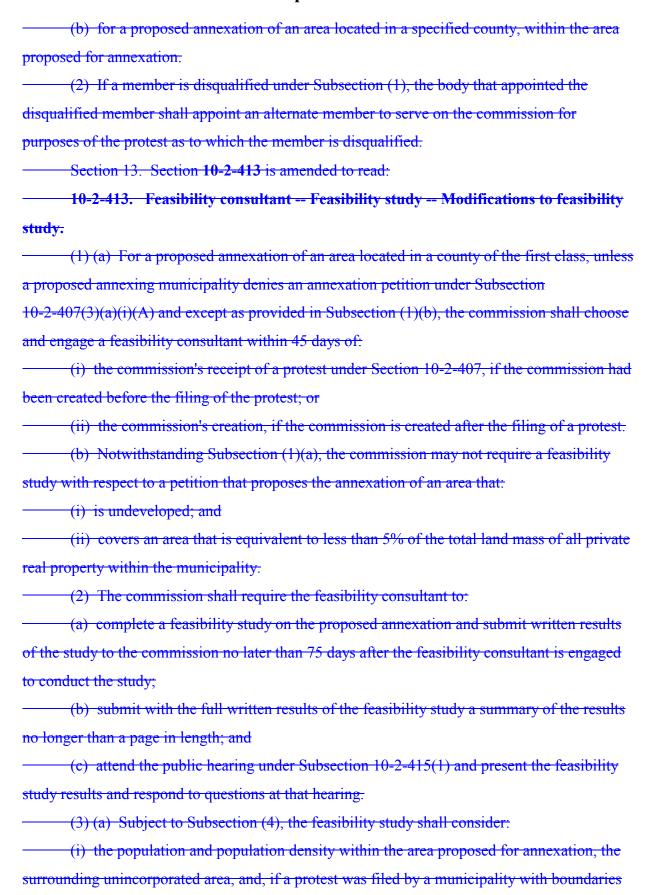


# area from the planning district. (1) As used in this section: (a) "Affected [township] planning district" means a [township] planning district some or all of which is proposed to be annexed to a municipality through an [intra-township] intra-planning district annexation. (b) "Committee" means a committee appointed under Subsection (5)(a). (c) "County legislative body" means the legislative body of the county in which an affected [township] planning district is located. (d) "[Intra-township] Intra-planning district annexation" means an annexation of an area that is partly or entirely within a [township] planning district. (e) "Municipal legislative body" means the legislative body of the municipality to which an area within an affected [township] planning district is proposed to be annexed through an [intra-township] intra-planning district annexation. (f) "[Township] Planning district withdrawal" means: (i) for an [intra-township] intra-planning district annexation that proposes the annexation of part of the [township] planning district, the withdrawal of that area from the [township] planning district; or (ii) for an [intra-township] intra-planning district annexation that proposes the annexation of the entire [township] planning district, the dissolution of the [township] planning district. (2) An [intra-township] intra-planning district annexation requires: (a) the municipal legislative body's approval of the annexation, as provided in this part; and (b) the approval of the [township] planning district withdrawal by: (i) the county legislative body; or (ii) the committee as provided in Subsection (5), if the county legislative body does not approve the [township] planning district withdrawal. (3) (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii) or 10-2-408(2) of the municipal legislative body's approval of a proposed [intra-township] intra-planning district annexation, the county legislative body shall hold a public hearing on the

proposed [township] planning district withdrawal that meets the requirements of Subsection

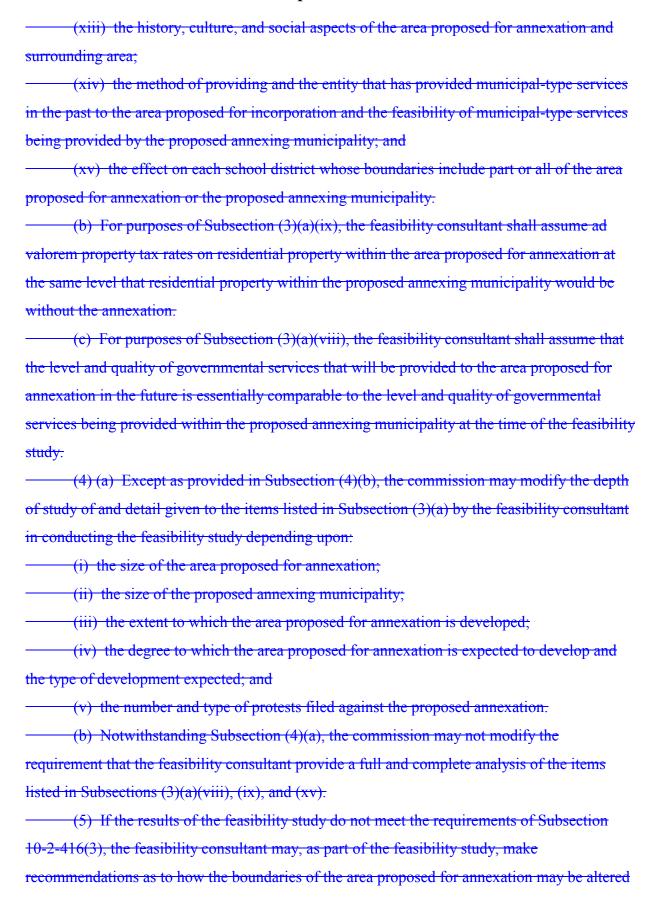






within 1/2 mile of the area proposed for annexation, that municipality; (ii) the geography, geology, and topography of and natural boundaries within the area proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries within 1/2 mile of the area proposed for annexation, that municipality; (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated island or unincorporated peninsula: (iv) whether the proposed annexation will hinder or prevent a future and more logical and beneficial annexation or a future logical and beneficial incorporation; (v) the fiscal impact of the proposed annexation on the remaining unincorporated area, other municipalities, local districts, special service districts, school districts, and other governmental entities; (vi) current and five-year projections of demographics and economic base in the area proposed for annexation and surrounding unincorporated area, including household size and income, commercial and industrial development, and public facilities; (vii) projected growth in the area proposed for annexation and the surrounding unincorporated area during the next five years; (viii) the present and five-year projections of the cost of governmental services in the area proposed for annexation; (ix) the present and five-year projected revenue to the proposed annexing municipality from the area proposed for annexation; (x) the projected impact the annexation will have over the following five years on the amount of taxes that property owners within the area proposed for annexation, the proposed annexing municipality, and the remaining unincorporated county will pay; (xi) past expansion in terms of population and construction in the area proposed for annexation and the surrounding unincorporated area; (xii) the extension during the past 10 years of the boundaries of each other municipality near the area proposed for annexation, the willingness of the other municipality to annex the area proposed for annexation, and the probability that another municipality would annex some or all of the area proposed for annexation during the next five years if the annexation did not

occur;

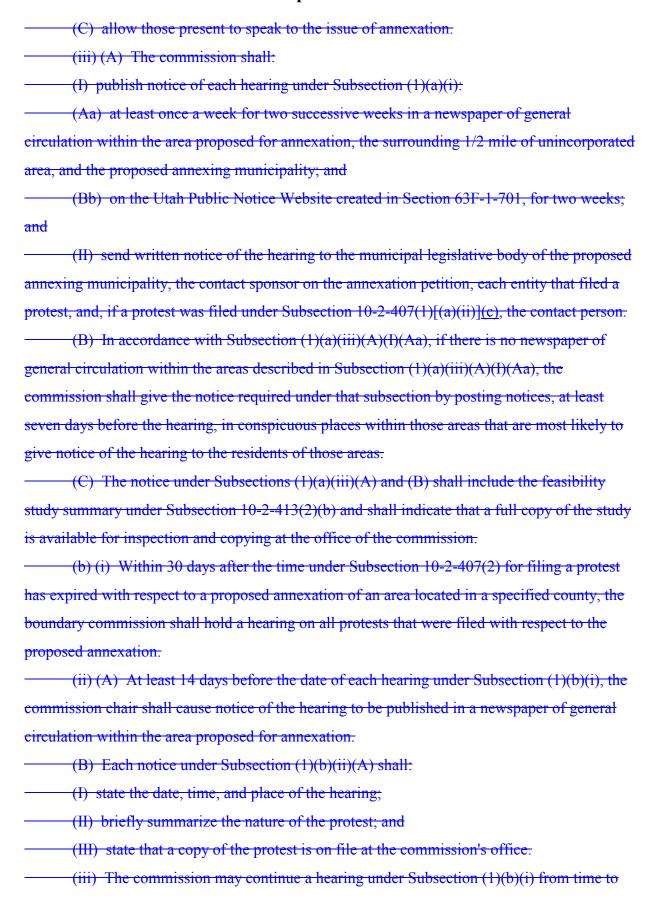


so that the requirements of Subsection 10-2-416(3) may be met. (6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and expenses shall be shared equally by the proposed annexing municipality and each entity or group under Subsection 10-2-407(1) that files a protest. (b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property owners under Subsection 10-2-407(1)[(a)(ii)](c), the county in which the area proposed for annexation shall pay the owners' share of the feasibility consultant's fees and expenses. (ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners file a protest, the county and the proposed annexing municipality shall equally share the property owners' share of the feasibility consultant's fees and expenses. Section 14. Section 10-2-414 is amended to read: 10-2-414. Modified annexation petition -- Supplemental feasibility study. (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of an area located in a county of the first class do not meet the requirements of Subsection 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility consultant's submission of the results of the study, file with the city recorder or town clerk of the proposed annexing municipality a modified annexation petition altering the boundaries of the proposed annexation. (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the sponsors of the annexation petition shall deliver or mail a copy of the modified annexation petition to the clerk of the county in which the area proposed for annexation is located. (b) Each modified annexation petition under Subsection (1)(a) shall comply with the requirements of Subsections 10-2-403(3), (4), and (5). (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified annexation petition, the city recorder or town clerk, as the case may be, shall follow the same procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and (3)(a) for an original annexation petition. (b) If the city recorder or town clerk certifies the modified annexation petition under Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send

(i) the commission;

written notice of the certification to:

(ii) each entity that filed a protest to the annexation petition; and (iii) if a protest was filed under Subsection 10-2-407(1)[(a)(ii)](c), the contact person. (c) (i) If the modified annexation petition proposes the annexation of an area that includes part or all of a local district, special service district, or school district that was not included in the area proposed for annexation in the original petition, the city recorder or town clerk, as the case may be, shall also send notice of the certification of the modified annexation petition to the board of the local district, special service district, or school district. (ii) If the area proposed for annexation in the modified annexation petition is within 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the area proposed for annexation in the original annexation petition, the city recorder or town clerk, as the case may be, shall also send notice of the certification of the modified annexation petition to the legislative body of that municipality. (3) Within 10 days of the commission's receipt of the notice under Subsection (2)(b), the commission shall engage the feasibility consultant that conducted the feasibility study to supplement the feasibility study to take into account the information in the modified annexation petition that was not included in the original annexation petition. (4) The commission shall require the feasibility consultant to complete the supplemental feasibility study and to submit written results of the supplemental study to the commission no later than 30 days after the feasibility consultant is engaged to conduct the supplemental feasibility study. Section 15. Section 10-2-415 is amended to read: 10-2-415. Public hearing -- Notice. (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area located in a county of the first class, the commission shall hold a public hearing within 30 days of receipt of the feasibility study or supplemental feasibility study results. (ii) At the hearing under Subsection (1)(a)(i), the commission shall: (A) require the feasibility consultant to present the results of the feasibility study and, if applicable, the supplemental feasibility study; (B) allow those present to ask questions of the feasibility consultant regarding the study results; and



time, but no continued hearing may be held later than 60 days after the original hearing date.
(iv) In considering protests, the commission shall consider whether the proposed
annexation:
(A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
annexation policy plan of the proposed annexing municipality;
(B) conflicts with the annexation policy plan of another municipality; and
(C) if the proposed annexation includes urban development, will have an adverse tax
consequence on the remaining unincorporated area of the county.
(2) (a) The commission shall record each hearing under this section by electronic
means.
(b) A transcription of the recording under Subsection (2)(a), the feasibility study, if
applicable, information received at the hearing, and the written decision of the commission
shall constitute the record of the hearing.
Section 16. Section 10-2-416 is amended to read:
10-2-416. Commission decision Time limit Limitation on approval of
annexation.
(1) Subject to Subsection (3), after the public hearing under Subsection 10-2-415(1) th
boundary commission may:
(a) approve the proposed annexation, either with or without conditions;
(b) make minor modifications to the proposed annexation and approve it, either with o
without conditions; or
(c) disapprove the proposed annexation.
(2) The commission shall issue a written decision on the proposed annexation within
30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the
decision to:
(a) the legislative body of the county in which the area proposed for annexation is
<del>located;</del>
(b) the legislative body of the proposed annexing municipality;
(c) the contact person on the annexation petition;
(d) the contact person of each entity that filed a protest; and
(e) if a protest was filed under Subsection 10-2-407(1)[(a)(ii)](c) with respect to a

proposed annexation of an area located in a county of the first class, the contact person

designated in the protest. (3) Except for an annexation for which a feasibility study may not be required under Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area located within a county of the first class unless the results of the feasibility study under Section 10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%. Section 17. Section 10-2-418 is amended to read: 10-2-418. Annexation of an island or peninsula without a petition -- Notice --Hearing. (1) For purposes of an annexation conducted in accordance with this section of an area located within a county of the first class, "municipal-type services" does not include a service provided by a municipality pursuant to a contract that the municipality has with another political subdivision as "political subdivision" is defined in Section 17B-1-102. [(1)] (2) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an unincorporated area under this section without an annexation petition if: (i) (A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality; (B) the majority of each island or peninsula consists of residential or commercial development; (C) the area proposed for annexation requires the delivery of municipal-type services; and (D) the municipality has provided most or all of the municipal-type services to the area for more than one year; (ii) (A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and (B) the municipality has provided one or more municipal-type services to the area for at least one year; or (iii) (A) the area consists of: (I) an unincorporated island within or an unincorporated peninsula contiguous to the

# municipality; and (II) for an area outside of the county of the first class proposed for annexation, no more than 50 acres; and (B) the county in which the area is located, subject to Subsection (3)(b), and the municipality agree that the area should be included within the municipality. (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion of an unincorporated island or unincorporated peninsula under this section, leaving unincorporated the remainder of the unincorporated island or unincorporated peninsula, if: (i) in adopting the resolution under Subsection [(2)] (4)(a)(i), the municipal legislative body determines that not annexing the entire unincorporated island or unincorporated peninsula is in the municipality's best interest; and (ii) for an annexation of one or more unincorporated islands under Subsection [(1)] (2)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed, complies with the requirement of Subsection [(1)] (2)(a)(ii)(A) relating to the number of residents. (3) (a) This Subsection (3) applies only to an annexation within a county of the first class. (b) A county of the first class shall agree to the annexation if the majority of private property owners within the area to be annexed has indicated in writing, subject to Subsection (3)(d), to the city or town recorder of the annexing city or town the private property owners' consent to be annexed into the municipality. (c) For purposes of Subsection (3)(b), the majority of private property owners is property owners who own: (i) the majority of the total private land area within the area proposed for annexation; and a (ii) private real property equal to at least one half the value of private real property within the area proposed for annexation. (d) (i) The city or town recorder shall provide for a private property owner to sign

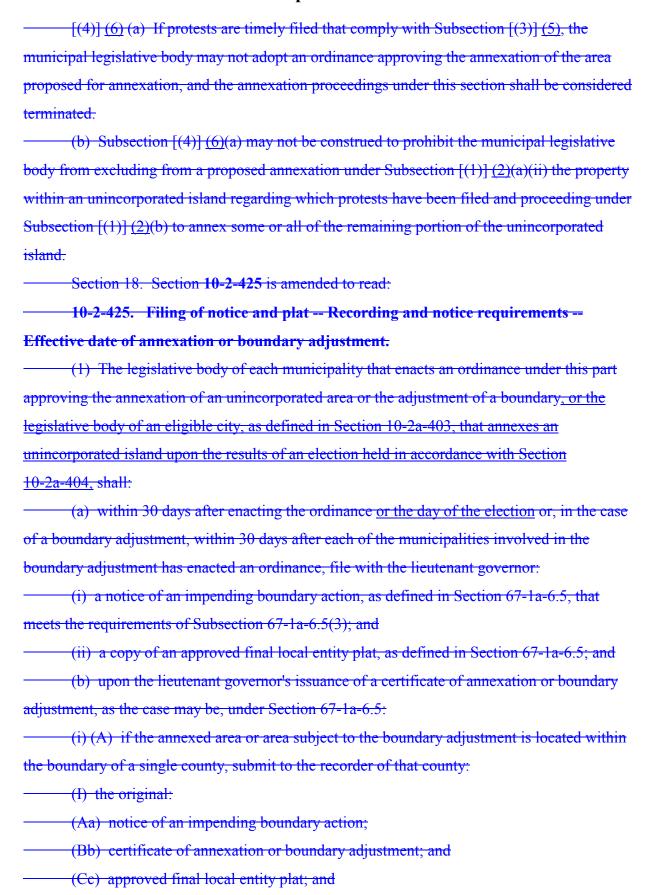
in accordance with Utah Code Section 10-2-418, no public election is required by law to

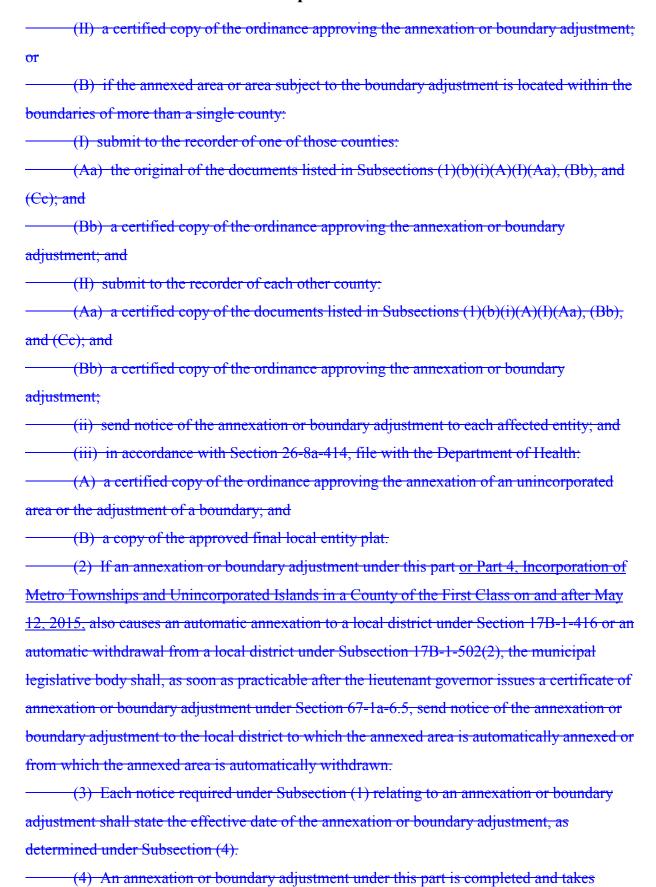
"Notice: If this written consent is used to proceed with an annexation of your property

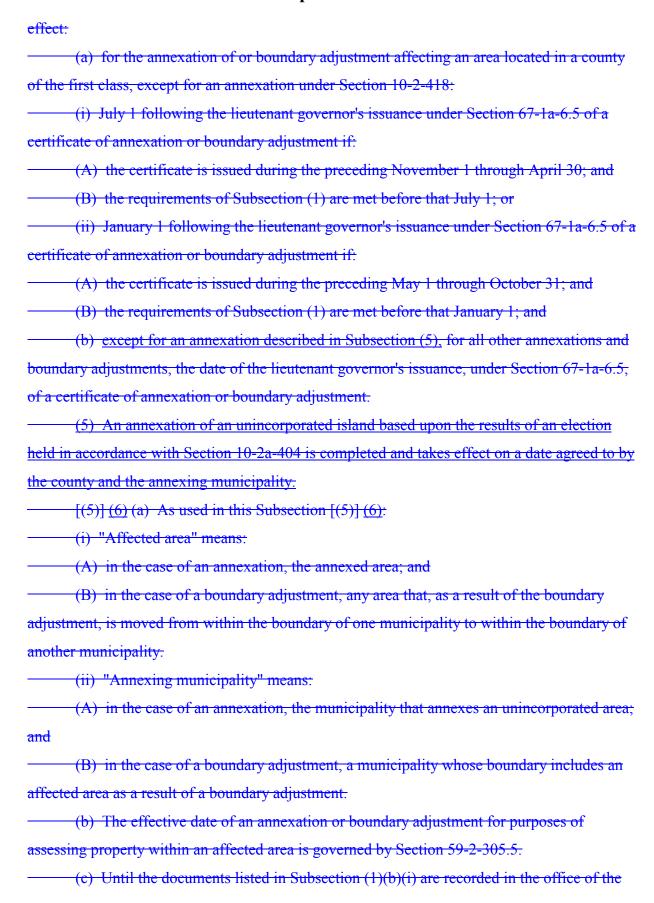
indicating consent a form in substantially the following form:

approve the annexation. If you sign this consent and later decide you do not want to support
the annexation of your property, you may withdraw your signature by submitting a signed,
written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
choose to withdraw your signature, you must do so no later than the close of the public hearing
on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(a)(iv) for
which you will receive notice of no less than 21 days before the day of the public hearing.".
(e) A private property owner may withdraw the property owner's signature indicating
consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
close of the public hearing held in accordance with Subsection (4)(a)(iv).
[(2)] (4) (a) The legislative body of each municipality intending to annex an area under
this section shall:
(i) adopt a resolution indicating the municipal legislative body's intent to annex the
area, describing the area proposed to be annexed;
(ii) publish notice:
(A) (I) at least once a week for three successive weeks in a newspaper of general
circulation within the municipality and the area proposed for annexation; or
(II) if there is no newspaper of general circulation in the areas described in Subsection
[(2)] (4)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that
are most likely to give notice to the residents of those areas; and
(B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks;
(iii) send written notice to the board of each local district and special service district
whose boundaries contain some or all of the area proposed for annexation and to the legislative
body of the county in which the area proposed for annexation is located; and
(iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
adoption of the resolution under Subsection [(2)] (4)(a)(i).
(b) Each notice under Subsections [(2)] (4)(a)(ii) and (iii) shall:
(i) state that the municipal legislative body has adopted a resolution indicating its intent
to annex the area proposed for annexation;
(ii) state the date, time, and place of the public hearing under Subsection [(2)]
<u>(4)(a)(iv);</u>
(iii) describe the area proposed for annexation; and

(iv) except for an annexation that meets the property owner consent requirements of Subsection [(3)] (5)(b), state in conspicuous and plain terms that the municipal legislative body will annex the area unless, at or before the public hearing under Subsection [(2)] (4)(a)(iv), written protests to the annexation are filed by the owners of private real property that: (A) is located within the area proposed for annexation; (B) covers a majority of the total private land area within the entire area proposed for annexation; and (C) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation. (c) The first publication of the notice required under Subsection [(2)] (4)(a)(ii)(A) shall be within 14 days of the municipal legislative body's adoption of a resolution under Subsection  $\frac{(2)}{(4)(a)(i)}$ [(3)] (5) (a) Upon conclusion of the public hearing under Subsection [(2)] (4)(a)(iv), the municipal legislative body may adopt an ordinance approving the annexation of the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the city recorder or town clerk, as the case may be, by the owners of private real property that: (i) is located within the area proposed for annexation; (ii) covers a majority of the total private land area within the entire area proposed for annexation; and (iii) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation. (b) (i) Upon conclusion of the public hearing under Subsection [(2)] (4)(a)(iv), a municipality may adopt an ordinance approving the annexation of the area proposed for annexation under this section without allowing or considering protests under Subsection [(3)] (5)(a) if the owners of at least 75% of the total private land area within the entire area proposed for annexation, representing at least 75% of the value of the private real property within the entire area proposed for annexation, have consented in writing to the annexation. (ii) Upon the effective date under Section 10-2-425 of an annexation approved by an ordinance adopted under Subsection [(3)] (5)(b)(i), the area annexed shall be conclusively presumed to be validly annexed.







recorder of each county in which the property is located, a municipality may not:
(i) levy or collect a property tax on property within an affected area;
(ii) levy or collect an assessment on property within an affected area; or
(iii) charge or collect a fee for service provided to property within an affected area,
unless the municipality was charging and collecting the fee within that area immediately befo
annexation.
Section 19. Section 10-2a-101 is enacted to read:
CHAPTER 2a. MUNICIPAL INCORPORATION
Part 1. General Provisions
10-2a-101. Title.
(1) This chapter is known as "Municipal Incorporation."
(2) This part is known as "General Provisions."
Section 20. Section 10-2a-102, which is renumbered from Section 10-2-101 is
renumbered and amended to read:
[10-2-101]. <u>10-2a-102.</u> Definitions.
(1) As used in this part:
(a) "Feasibility consultant" means a person or firm:
(i) with expertise in the processes and economics of local government; and
(ii) who is independent of and not affiliated with a county or sponsor of a petition to
incorporate.
(b) "Private," with respect to real property, means taxable property.
(2) For purposes of this part:
(a) the owner of real property shall be the record title owner according to the records
the county recorder on the date of the filing of the request or petition; and
(b) the value of private real property shall be determined according to the last
assessment roll for county taxes before the filing of the request or petition.
(3) For purposes of each provision of this part that requires the owners of private real
property covering a percentage or fraction of the total private land area within an area to sign
request or petition:
(a) a parcel of real property may not be included in the calculation of the required
percentage or fraction unless the request or petition is signed by:

- (i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel; (b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless: (i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and (ii) the person provides documentation accompanying the request or petition that substantiates the person's representative capacity; and (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner. Section 21. Section 10-2a-103, which is renumbered from Section 10-2-102 is renumbered and amended to read: [10-2-102]. 10-2a-103. Incorporation of a contiguous area. [(1)] A contiguous area of a county not within a municipality may incorporate as a municipality as provided in this [part] chapter. (2) (a) Incorporation as a city is governed by Sections 10-2-103 through 10-2-124. [(b) Incorporation as a town is governed by Sections 10-2-125 through 10-2-129.] Section 22. Section 10-2a-104, which is renumbered from Section 10-2-118 is renumbered and amended to read: [10-2-118]. 10-2a-104. Elections governed by the Election Code. Except as otherwise provided in this [part] chapter, each election under this [part] chapter shall be governed by the provisions of Title 20A, Election Code. Section 23. Section 10-2a-105, which is renumbered from Section 10-2-130 is renumbered and amended to read: [10-2-130]. <u>10-2a-105.</u> Suspension 10-2-130. Suspension of township incorporation and annexation procedures on or after January 1, 2014 -- Exceptions. (1) As used in this section:
- (a) "Township incorporation procedure" means the following actions, the subject of which includes an area located in whole or in part in a township:

- (i) a request for incorporation described in Section  $\{10-2-103\}$   $\{10-2a-202\}$ ;
- (ii) a feasibility study described in Section  $\{10-2-106\}$   $\{10-2a-205\}$ ;
- (iii) a modified request and a supplemental feasibility study described in Section {{}10-2-107{{}10-2a-206}}; or
- (iv) an incorporation petition described in Section  $\{\{\}\}$  10-2-109 $\{\}$  that is not certified under Section  $\{\{\}\}$  10-2-110 $\{\}$  10-2a-109 $\}$ .
- (b) "Township annexation procedure" means one or more of the following actions, the subject of which includes an area located in whole or in part in a township:
  - (i) a petition to annex described in Section 10-2-403;
  - (ii) a feasibility study described in Section 10-2-413;
- (iii) a modified annexation petition or supplemental feasibility study described in Section 10-2-414;
  - (iv) a boundary commission decision described in Section 10-2-416; or
- (v) any action described in Section 10-2-418 before the adoption of an ordinance to approve annexation under Subsection 10-2-418  $\{\{\}\}$  (b).
  - (2) (a) Except as provided in Subsections (3) and (4):
- (i) if a request for incorporation described in Section <del>{{}</del> 10-2-103<del>{}</del> 10-2-202<del>}</del> is filed with the clerk of the county on or after January 1, 2014, a township incorporation procedure that is the subject of or otherwise relates to that request is suspended until November 15, [2015] 2016; and
- (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or town clerk on or after January 1, 2014, a township annexation procedure that is the subject of or otherwise relates to that petition is suspended until November 15, [2015] 2016.
- (b) (i) If a township incorporation procedure or township annexation procedure is suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and on November 15, [2015] 2016.
- (ii) On November 16, [2015] 2016, the applicable deadline or timeline described in Subsection (2)(b)(i):
- (A) may proceed and the period of time during the suspension does not toll against that deadline or timeline; and
  - (B) does not start over.

- (3) Subsection (2) does not apply to a township annexation procedure that:
- (a) includes any land area located in whole or in part in a township that is:
- (i) 50 acres or more; and
- (ii) primarily owned or controlled by a government entity; or
- (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance with Subsection 10-2-403(3) before January 1, 2014.
- (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the petition sponsors may continue to gather petition signatures and file them with the county clerk as provided in Section {{}}10-2-103{{}}10-2a-202{}}.
- (b) The county clerk shall process the petition in accordance with Section {{}}10-2-105{{}} 10-2a-204{}} and may issue a certification or rejection of the petition as provided in Section {{}}10-2-105{{}} 10-2a-204{}}.
- (c) Notwithstanding any other provision of {{}} Chapter 2, Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipalities{}} this chapter}, any further processing, including a feasibility study, public hearing, or an incorporation election, is suspended until November 15, [2015] 2016.

Section  $\{24\}2$ . Section  $\{10-2a-201\}63I-2-210$  is  $\{enacted to read: 10-2a-201\}63I-2-210\}$ 

#### Part 2. Incorporation of a City

<del>10-2a-201. Title.</del>

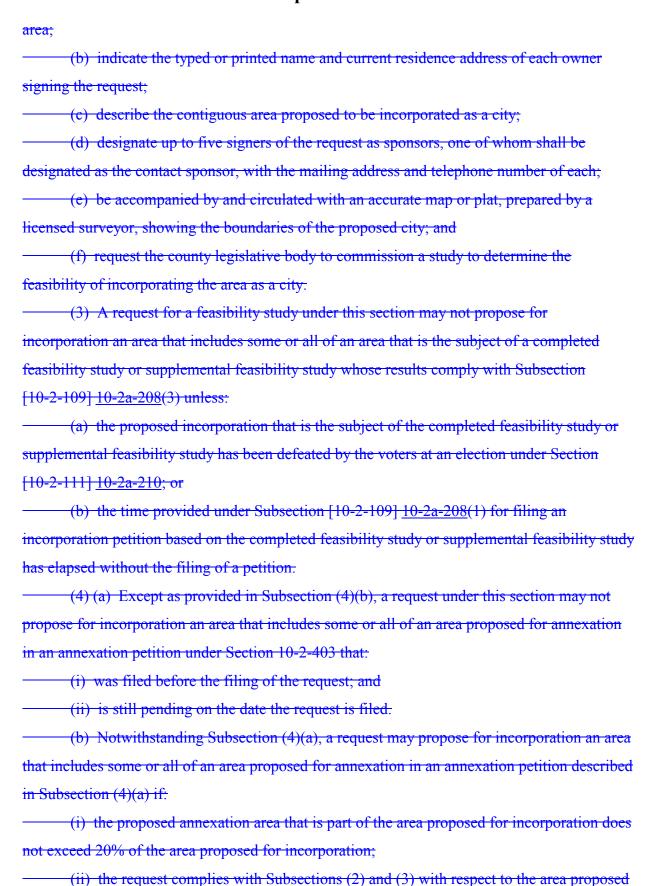
This part is known as "Incorporation of a City."

Section 25. Section 10-2a-202, which is renumbered from Section 10-2-103 is renumbered and amended to read:

[10-2-103]. <u>10-2a-202.</u> Request for feasibility study -- Requirements --

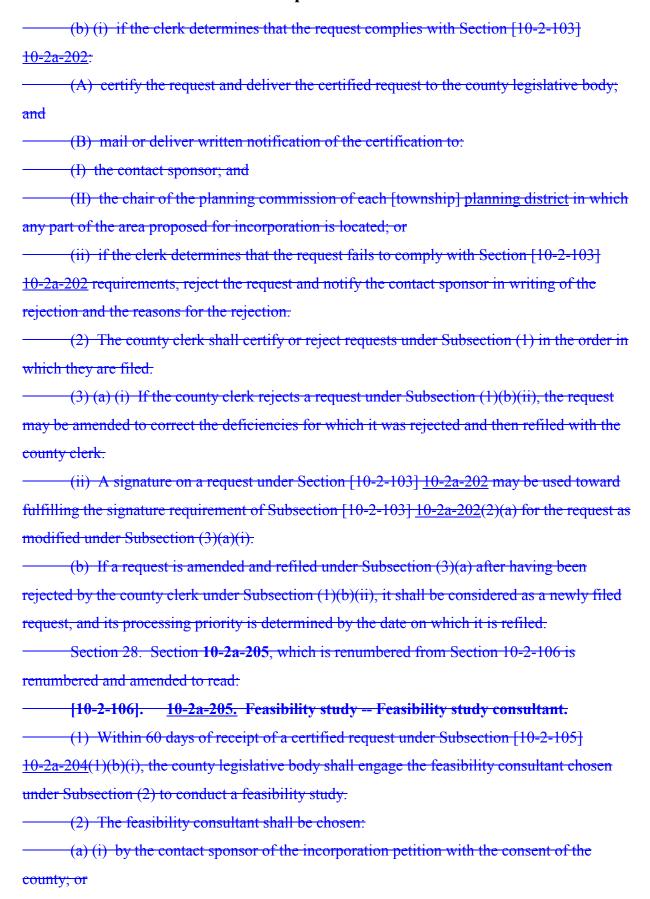
#### **Limitations.**

- (1) The process to incorporate a contiguous area of a county as a city is initiated by a request for a feasibility study filed with the clerk of the county in which the area is located.
  - (2) Each request under Subsection (1) shall:
  - (a) be signed by the owners of private real property that:
  - (i) is located within the area proposed to be incorporated;
  - (ii) covers at least 10% of the total private land area within the area; and
- (iii) is equal in value to at least 7% of the value of all private real property within the



for incorporation excluding the proposed annexation area; and (iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to lose its contiguousness. (c) Except as provided in Section [10-2-107] 10-2a-206, each request to which Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area proposed for annexation. (5) At the time of filing the request for a feasibility study with the county clerk, the sponsors of the request shall mail or deliver a copy of the request to the chair of the planning commission of each [township] planning district in which any part of the area proposed for incorporation is located. Section 26. Section 10-2a-203, which is renumbered from Section 10-2-104 is renumbered and amended to read: [10-2-104]. 10-2a-203. Notice to owner of property -- Exclusion of property from proposed boundaries. (1) As used in this section: (a) "Assessed value" with respect to property means the value at which the property would be assessed without regard to a valuation for agricultural use under Section 59-2-503. (b) "Owner" means a person having an interest in real property, including an affiliate, subsidiary, or parent company. (c) "Urban" means an area with a residential density of greater than one unit per acre. (2) Within seven calendar days of the date on which a request under Section [10-2-103] 10-2a-202 is filed, the county clerk shall send written notice of the proposed incorporation to each record owner of real property owning more than: (a) 1% of the assessed value of all property in the proposed incorporation boundaries; <del>Oľ</del> (b) 10% of the total private land area within the proposed incorporation boundaries. (3) If an owner owns, controls, or manages more than 1% of the assessed value of all property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more of the total private land area in the proposed incorporation boundaries, the owner may exclude all or part of the property owned, controlled, or managed by the owner from the proposed boundaries by filing a Notice of Exclusion with the county legislative body within 15 calendar

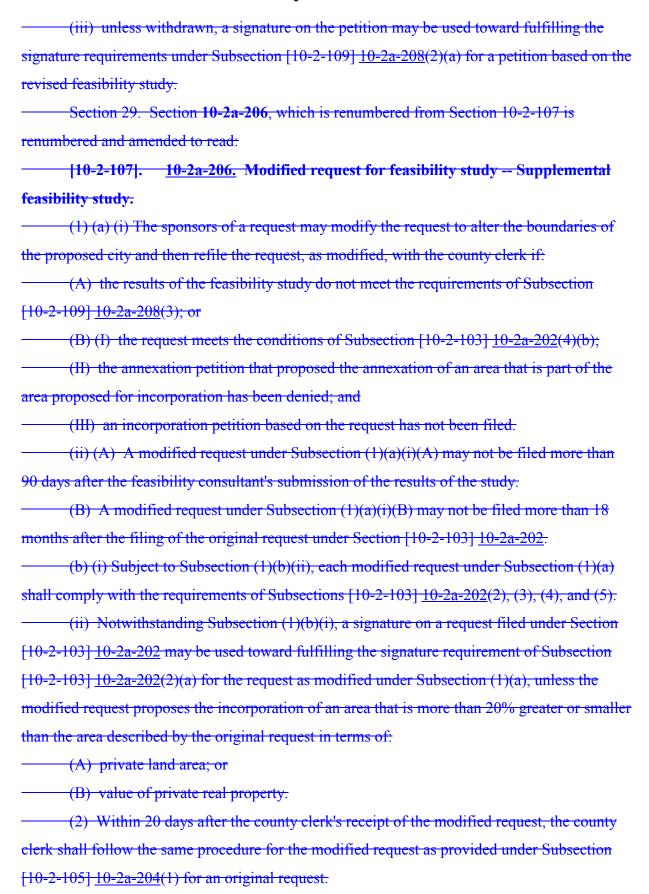
days of receiving the clerk's notice under Subsection (2). (4) The county legislative body shall exclude the property identified by an owner in the Notice of Exclusion from the proposed incorporation boundaries unless the county legislative body finds by clear and convincing evidence in the record that: (a) the exclusion will leave an unincorporated island within the proposed municipality; and (b) the property to be excluded: (i) is urban; and (ii) currently receives from the county a majority of municipal-type services including: (A) culinary or irrigation water; (B) sewage collection or treatment; (C) storm drainage or flood control; (D) recreational facilities or parks; (E) electric generation or transportation; (F) construction or maintenance of local streets and roads; (G) curb and gutter or sidewalk maintenance; (II) garbage and refuse collection; and (I) street lighting. (5) This section applies only to counties of the first or second class. (6) If the county legislative body excludes property from the proposed boundaries under Subsection (4), the county legislative body shall, within five days of the exclusion, send written notice of the exclusion to the contact sponsor. Section 27. Section 10-2a-204, which is renumbered from Section 10-2-105 is renumbered and amended to read: [10-2-105]. 10-2a-204. Processing a request for incorporation -- Certification or rejection by county clerk -- Processing priority -- Limitations -- Planning district planning commission recommendation. (1) Within 45 days of the filing of a request under Section [10-2-103] 10-2a-202, the county clerk shall: (a) with the assistance of other county officers from whom the clerk requests assistance, determine whether the request complies with Section [10-2-103] 10-2a-202; and

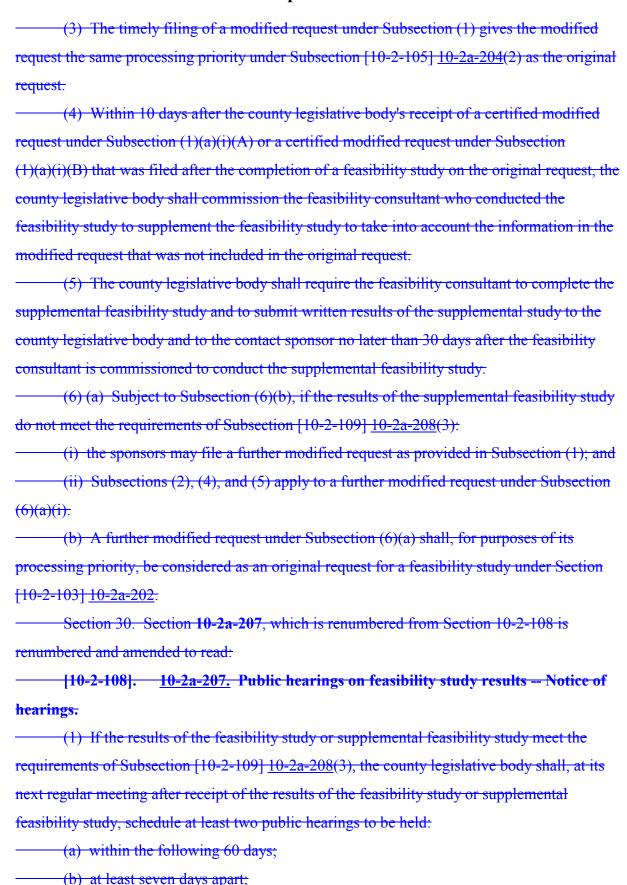


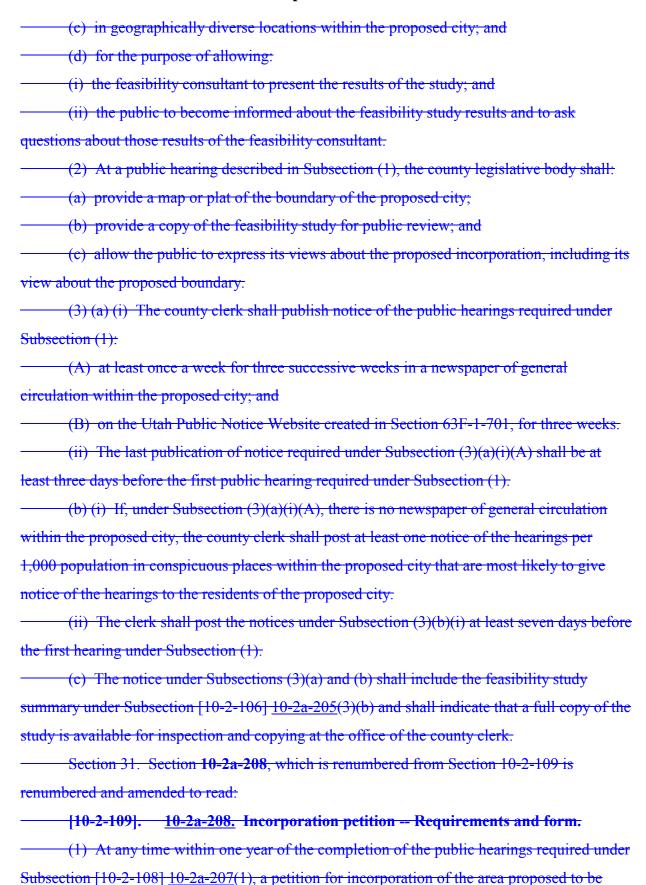
(ii) by the county if the designated sponsors state, in writing, that the contact sponsor
defers selection of the feasibility consultant to the county; and
(b) in accordance with applicable county procurement procedures.
(3) The county legislative body shall require the feasibility consultant to:
(a) complete the feasibility study and submit the written results to the county legislative
body and the contact sponsor no later than 90 days after the feasibility consultant is engaged to
conduct the study;
(b) submit with the full written results of the feasibility study a summary of the results
no longer than one page in length; and
(c) attend the public hearings under Subsection [10-2-108] 10-2a-207(1) and present
the feasibility study results and respond to questions from the public at those hearings.
(4) (a) The feasibility study shall consider:
(i) population and population density within the area proposed for incorporation and
the surrounding area;
(ii) current and five-year projections of demographics and economic base in the
proposed city and surrounding area, including household size and income, commercial and
industrial development, and public facilities;
(iii) projected growth in the proposed city and in adjacent areas during the next five
<del>years;</del>
(iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
including overhead, of governmental services in the proposed city, including:
——————————————————————————————————————
(B) secondary water;
<del>(C) sewer;</del>
(D) law enforcement;
(E) fire protection;
(F) roads and public works;
<del>(G) garbage;</del>
(II) weeds; and
(I) government offices;
(v) assuming the same tax categories and tax rates as currently imposed by the county

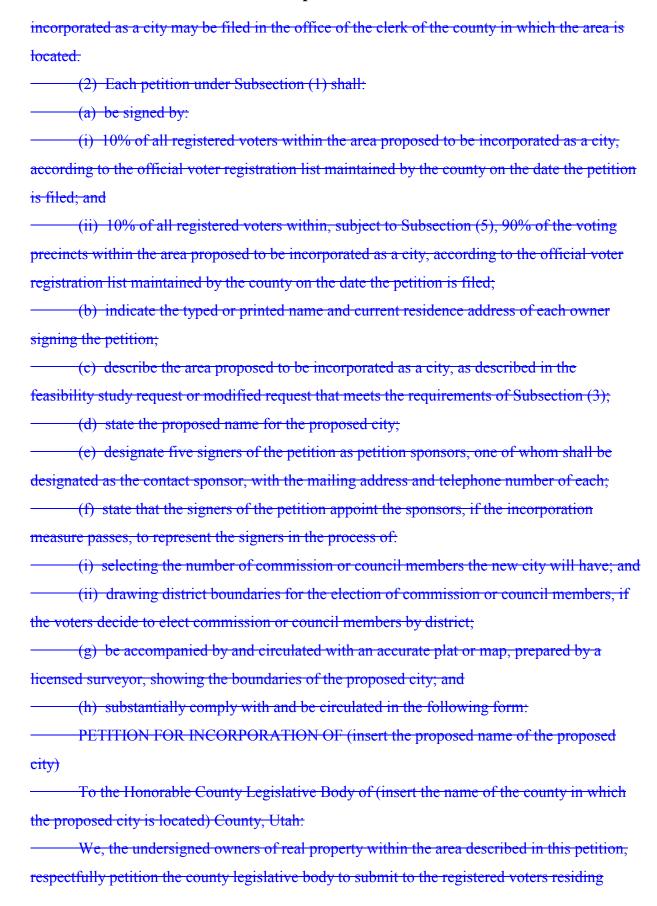
and all other current service providers, the present and five-year projected revenue for the proposed city; (vi) a projection of any new taxes per household that may be levied within the incorporated area within five years of incorporation; and (vii) the fiscal impact on unincorporated areas, other municipalities, local districts, special service districts, and other governmental entities in the county. (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a level and quality of governmental services to be provided to the proposed city in the future that fairly and reasonably approximate the level and quality of governmental services being provided to the proposed city at the time of the feasibility study. (ii) In determining the present cost of a governmental service, the feasibility consultant shall consider: (A) the amount it would cost the proposed city to provide governmental service for the first five years after incorporation; and (B) the county's present and five-year projected cost of providing governmental service. (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation and anticipated growth. (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall project and report the expected annual revenue surplus to the contact sponsor and the lieutenant governor. (6) If the results of the feasibility study or revised feasibility study do not meet the requirements of Subsection [10-2-109] 10-2a-208(3), the feasibility consultant shall, as part of the feasibility study or revised feasibility study and if requested by the sponsors of the request, make recommendations as to how the boundaries of the proposed city may be altered so that the requirements of Subsection [10-2-109] 10-2a-208(3) may be met. (7) (a) For purposes of this Subsection (7), "pending" means that the process to incorporate an unincorporated area has been initiated by the filing of a request for feasibility study under Section [10-2-103] 10-2a-202 but that, as of May 8, 2012, a petition under Section [10-2-109] <u>10-2a-208</u> has not yet been filed.

(b) The amendments to Subsection (4) that become effective upon the effective date of this Subsection (7): (i) apply to each pending proceeding proposing the incorporation of an unincorporated area; and (ii) do not apply to a municipal incorporation proceeding under this part in which a petition under Section [10-2-109] 10-2a-208 has been filed. (c) (i) If, in a pending incorporation proceeding, the feasibility consultant has, as of May 8, 2012, already completed the feasibility study, the county legislative body shall, within 20 days after the effective date of this Subsection (7) and except as provided in Subsection (7)(c)(iii), engage the feasibility consultant to revise the feasibility study to take into account the amendments to Subsection (4) that became effective on the effective date of this Subsection <del>(7).</del> (ii) Except as provided in Subsection (7)(c)(iii), the county legislative body shall require the feasibility consultant to complete the revised feasibility study under Subsection (7)(c)(i) within 20 days after being engaged to do so. (iii) Notwithstanding Subsections (7)(c)(i) and (ii), a county legislative body is not required to engage the feasibility consultant to revise the feasibility study if, within 15 days after the effective date of this Subsection (7), the request sponsors file with the county clerk a written withdrawal of the request signed by all the request sponsors. (d) All provisions of this part that set forth the incorporation process following the completion of a feasibility study shall apply with equal force following the completion of a revised feasibility study under this Subsection (7), except that, if a petition under Section [10-2-109] 10-2a-208 has already been filed based on the feasibility study that is revised under this Subsection (7): (i) the notice required by Section [10-2-108] 10-2a-207 for the revised feasibility study shall include a statement informing signers of the petition of their right to withdraw their signatures from the petition and of the process and deadline for withdrawing a signature from the petition; (ii) a signer of the petition may withdraw the signer's signature by filing with the county clerk a written withdrawal within 30 days after the final notice under Subsection [10-2-108] 10-2a-207(3) has been given with respect to the revised feasibility study; and





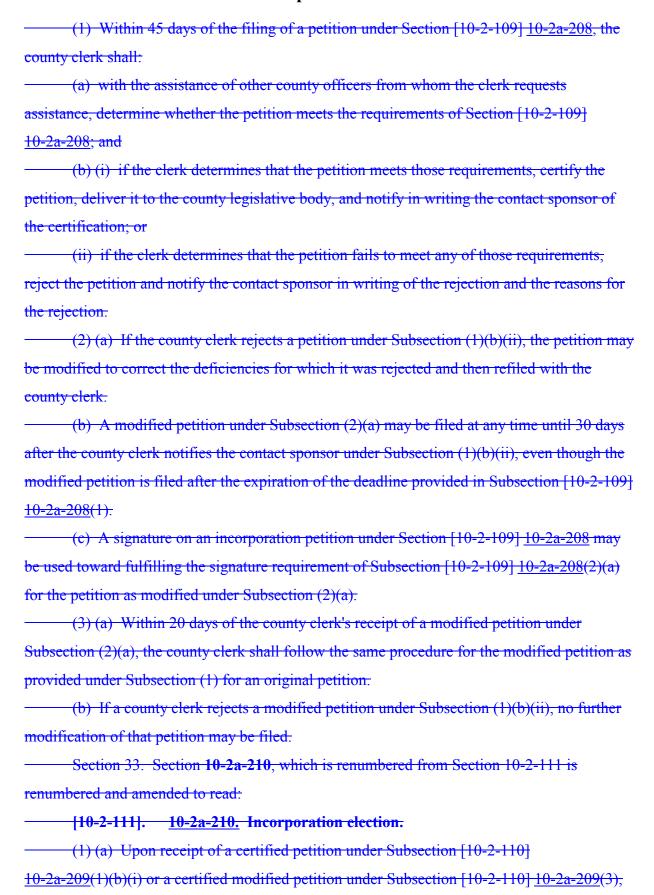




within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a city. Each of the undersigned affirms that each has personally signed this petition and is an owner of real property within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a city is described as follows: (insert an accurate description of the area proposed to be incorporated).

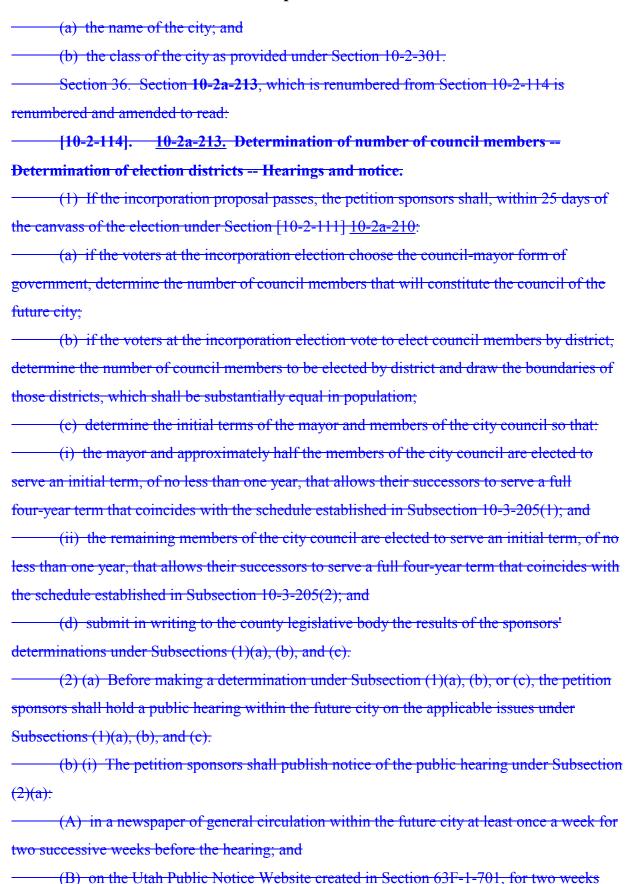
- (3) A petition for incorporation of a city under Subsection (1) may not be filed unless the results of the feasibility study or supplemental feasibility study show that the average annual amount of revenue under Subsection [10-2-106] 10-2a-205(4)(a)(v) does not exceed the average annual amount of cost under Subsection [10-2-106] 10-2a-205(4)(a)(iv) by more than 5%.

  (4) A signature on a request under Section [10-2-103] 10-2a-202 or a modified request
- (4) A signature on a request under Section [10-2-103] 10-2a-202 or a modified request under Section [10-2-107] 10-2a-206 may be used toward fulfilling the signature requirement of Subsection (2)(a):
- (a) if the request under Section [10-2-103] 10-2a-202 or modified request under Section [10-2-107] 10-2a-206 notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for purposes of a petition for incorporation under this section; and
- (b) unless the signer files with the county clerk a written withdrawal of the signature before the petition under this section is filed with the clerk.
- (5) (a) A signature does not qualify as a signature to meet the requirement described in Subsection (2)(a)(ii) if the signature is gathered from a voting precinct that:
- (i) is not located entirely within the boundaries of the proposed city; or
- (ii) includes less than 50 registered voters.
- (b) A voting precinct that is not located entirely within the boundaries of the proposed city does not qualify as a voting precinct to meet the precinct requirements of Subsection (2)(a)(ii).
- Section 32. Section 10-2a-209, which is renumbered from Section 10-2-110 is renumbered and amended to read:
- [10-2-110]. <u>10-2a-209.</u> Processing of petition by county clerk -- Certification or rejection -- Processing priority.



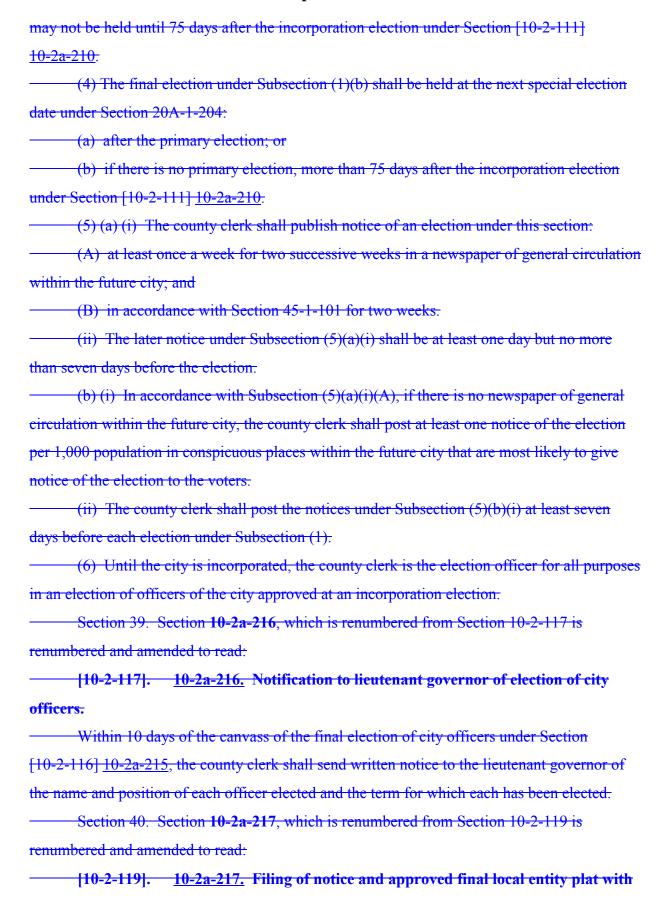
the county legislative body shall determine and set an election date for the incorporation election that is: (i) (A) on a general election date under Section 20A-1-201; or (B) on a local special election date under Section 20A-1-203; and (ii) at least 65 days after the day that the legislative body receives the certified petition. (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed city, the person may not vote on the proposed incorporation. (2) (a) The county clerk shall publish notice of the election: (i) in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks; and (ii) in accordance with Section 45-1-101 for three weeks. (b) The notice required by Subsection (2)(a) shall contain: (i) a statement of the contents of the petition; (ii) a description of the area proposed to be incorporated as a city; (iii) a statement of the date and time of the election and the location of polling places; and (iv) the feasibility study summary under Subsection [10-2-106] 10-2a-205(3)(b) and a statement that a full copy of the study is available for inspection and copying at the office of the county clerk. (c) The last publication of notice required under Subsection (2)(a) shall occur at least one day but no more than seven days before the election. (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the election to the voters of the proposed city. (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1). (3) If a majority of those casting votes within the area boundaries of the proposed city vote to incorporate as a city, the area shall incorporate. Section 34. Section 10-2a-211, which is renumbered from Section 10-2-112 is

renumbered and amended to read: [10-2-112]. 10-2a-211. Ballot used at the incorporation election. (1) The ballot at the incorporation election under Subsection [10-2-111] 10-2a-210(1) shall pose the incorporation question substantially as follows: Shall the area described as (insert a description of the proposed city) be incorporated as the city of (insert the proposed name of the proposed city)? (2) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (1). (3) (a) The ballot at the incorporation election shall also pose the question relating to the form of government substantially as follows: If the above incorporation proposal passes, under what form of municipal government shall (insert the name of the proposed city) operate? Vote for one: Five-member council form Six-member council form Five-member council-mayor form Seven-member council-mayor form. (b) The ballot shall provide a space for the voter to vote for one form of government. (4) (a) The ballot at the incorporation election shall also pose the question of whether to elect city council members by district substantially as follows: If the above incorporation proposal passes, shall members of the city council of (insert the name of the proposed city) be elected by district? (b) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (4)(a). Section 35. Section 10-2a-212, which is renumbered from Section 10-2-113 is renumbered and amended to read: [10-2-113]. <u>10-2a-212.</u> Notification to lieutenant governor of incorporation election results. Within 10 days of the canvass of the incorporation election, the county clerk shall send written notice to the lieutenant governor of: (1) the results of the election; and (2) if the incorporation measure passes:



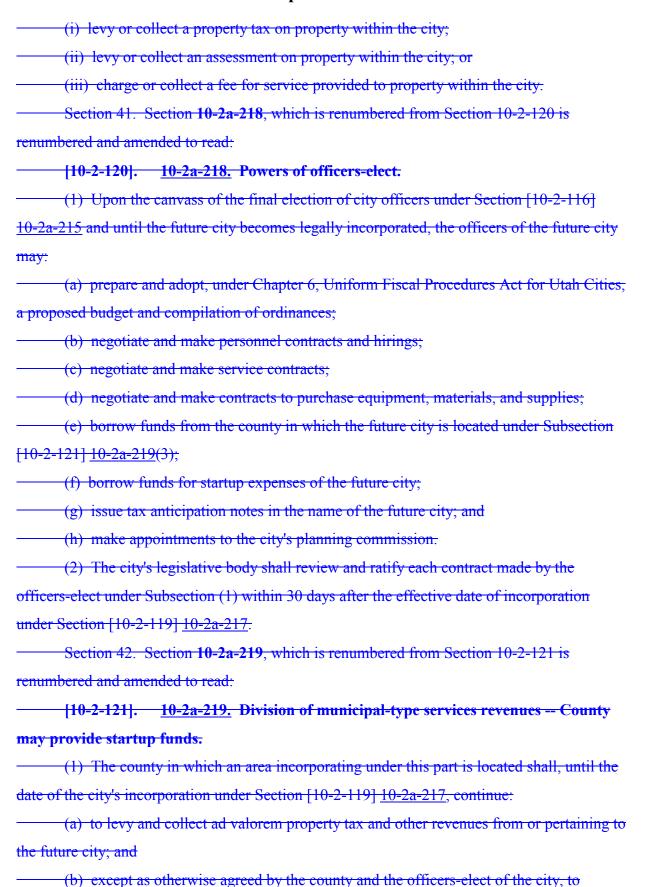
# before the hearing. (ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three days before the public hearing under Subsection (2)(a). (c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general circulation within the future city, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future city that are most likely to give notice of the hearing to the residents of the future city. (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven days before the hearing under Subsection (2)(a). Section 37. Section 10-2a-214, which is renumbered from Section 10-2-115 is renumbered and amended to read: [10-2-115]. <u>10-2a-214.</u> Notice of number of commission or council members to be elected and of district boundaries -- Declaration of candidacy for city office. (1) (a) Within 20 days of the county legislative body's receipt of the information under Subsection [10-2-114] 10-2a-213(1)(d), the county clerk shall publish, in accordance with Subsection (1)(b), notice containing: (i) the number of commission or council members to be elected for the new city; (ii) if some or all of the commission or council members are to be elected by district, a description of the boundaries of those districts as designated by the petition sponsors under Subsection [10-2-114] 10-2a-213(1)(b); (iii) information about the deadline for filing a declaration of candidacy for those seeking to become candidates for mayor or city commission or council; and (iv) information about the length of the initial term of each of the city officers, as determined by the petition sponsors under Subsection [10-2-114] 10-2a-213(1)(c). (b) The notice under Subsection (1)(a) shall be published: (i) in a newspaper of general circulation within the future city at least once a week for two successive weeks; and (ii) in accordance with Section 45-1-101 for two weeks. (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice per 1,000 population in conspicuous places within the future city that are most likely to give notice to the

residents of the future city. (ii) The notice under Subsection (1)(c)(i) shall contain the information required under Subsection (1)(a). (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (2). (2) Notwithstanding Subsection 20A-9-203(2)(a), each person seeking to become a candidate for mayor or city commission or council of a city incorporating under this part shall, within 45 days of the incorporation election under Section [10-2-111] 10-2a-210, file a declaration of candidacy with the clerk of the county in which the future city is located. Section 38. Section 10-2a-215, which is renumbered from Section 10-2-116 is renumbered and amended to read: [10-2-116]. <u>10-2a-215.</u> Election of officers of new city. (1) For the election of city officers, the county legislative body shall: (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election; and (b) hold a final election. (2) Each election under Subsection (1) shall be: (a) appropriate to the form of government chosen by the voters at the incorporation election; (b) consistent with the voters' decision about whether to elect commission or council members by district and, if applicable, consistent with the boundaries of those districts as determined by the petition sponsors; and (c) consistent with the sponsors' determination of the number of commission or council members to be elected and the length of their initial term. (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall be held at the earliest of the next: (i) regular general election under Section 20A-1-201; (ii) municipal primary election under Section 20A-9-404; (iii) municipal general election under Section 20A-1-202; or (iv) special election under Section 20A-1-204. (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)



lieutenant governor -- Effective date of incorporation -- Necessity of recording documents and effect of not recording. (1) The mayor-elect of the future city shall: (a) within 30 days after the canvass of the final election of city officers under Section [10-2-116] 10-2a-215, file with the lieutenant governor: (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and (b) upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5: (i) if the city is located within the boundary of a single county, submit to the recorder of that county the original: (A) notice of an impending boundary action; (B) certificate of incorporation; and (C) approved final local entity plat; or (ii) if the city is located within the boundaries of more than a single county, submit the original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those counties and a certified copy of those documents to each other county. (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5. (b) Notwithstanding any other provision of law, a city is conclusively presumed to be lawfully incorporated and existing if, for two years following the city's incorporation: (i) (A) the city has levied and collected a property tax; or (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use tax; and (ii) no challenge to the existence or incorporation of the city has been filed in the district court for the county in which the city is located. (3) (a) The effective date of an incorporation for purposes of assessing property within the new city is governed by Section 59-2-305.5. (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the

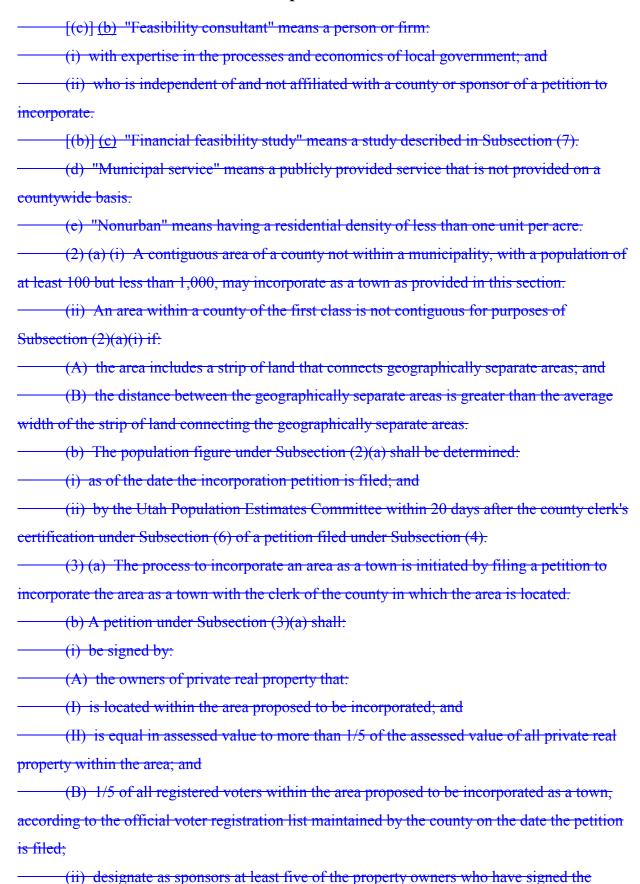
recorder of each county in which the property is located, a newly incorporated city may not:



provide the same services to the future city as the county provided before the commencement

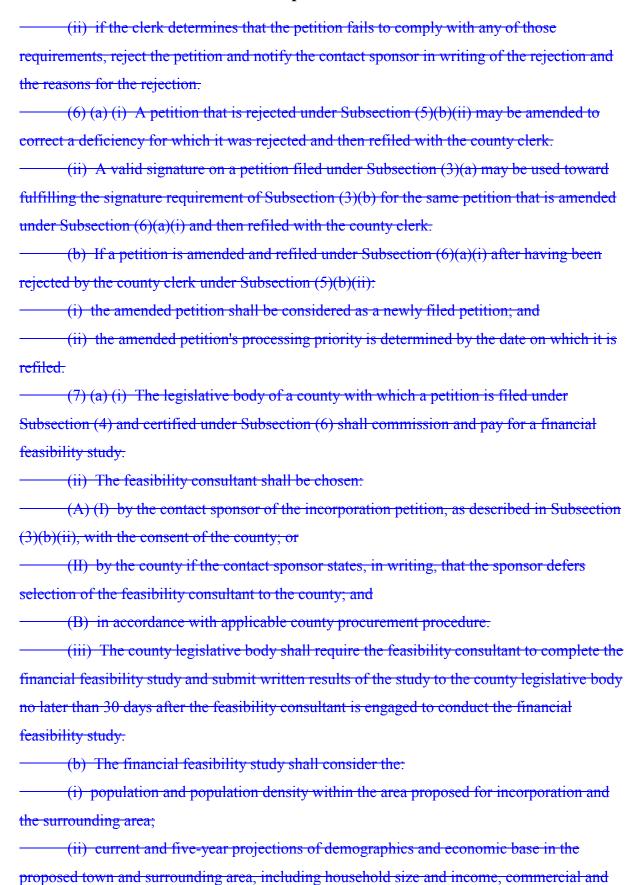
of the incorporation proceedings. (2) (a) The legislative body of the county in which a newly incorporated city is located shall share pro rata with the new city, based on the date of incorporation, the taxes and service charges or fees levied and collected by the county under Section 17-34-3 during the year of the new city's incorporation if and to the extent that the new city provides, by itself or by contract, the same services for which the county levied and collected the taxes and service charges or fees. (b) (i) The legislative body of a county in which a city incorporated after January 1, 2004, is located may share with the new city taxes and service charges or fees that were levied and collected by the county under Section 17-34-3: (A) before the year of the new city's incorporation; (B) from the previously unincorporated area that, because of the city's incorporation, is located within the boundaries of the newly incorporated city; and (C) for the purpose of providing services to the area that before the new city's incorporation was unincorporated. (ii) A county legislative body may share taxes and service charges or fees under Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts due under a contract for municipal-type services provided by the county to the new city. (3) (a) The legislative body of a county in which an area incorporating under this part is located may appropriate county funds to: (i) before incorporation but after the canvass of the final election of city officers under Section [10-2-116] 10-2a-215, the officers-elect of the future city to pay startup expenses of the future city; or (ii) after incorporation, the new city. (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a grant, a loan, or as an advance against future distributions under Subsection (2). Section 43. Section 10-2a-220, which is renumbered from Section 10-2-123 is renumbered and amended to read: [10-2-123]. 10-2a-220. Costs of incorporation. (1) Subject to Subsection (2), all costs of the incorporation proceeding, including

request certification, feasibility study, petition certification, publication of notices, public hearings, and elections, shall be paid by the county in which the proposed city is located. (2) If incorporation occurs, the new municipality shall reimburse the county for the costs of the notices and hearing under Section [10-2-114] 10-2a-213, the notices and elections under Section [10-2-116] 10-2a-215, and all other incorporation activities occurring after the elections under Section [10-2-116] 10-2a-215. Section 44. Section 10-2a-221, which is renumbered from Section 10-2-124 is renumbered and amended to read: [10-2-124]. <u>10-2a-221.</u> Incorporation petition or feasibility study before May 8, <del>2012.</del> (1) A party with a petition in process as of January 1, 2012, and not yet filed for final certification with the county clerk in accordance with Section [10-2-110] 10-2a-209 as of May 8, 2012, shall comply with the provisions of this chapter as enacted on May 8, 2012, except as provided in Subsection (3). (2) A party described in Subsection (1) may use a signature on a petition in process as of May 8, 2012, to fulfill the requirements of this chapter enacted on May 8, 2012. (3) If on or before May 8, 2012, a feasibility study has been completed for a party described in Subsection (1): (a) the completed feasibility study shall fulfill the requirements of this section; and (b) the party is not required to request a new feasibility study. Section 45. Section 10-2a-301 is enacted to read: Part 3. Incorporation of a Town <del>10-2a-301. Title.</del> This part is known as "Incorporation of a Town." Section 46. Section 10-2a-302, which is renumbered from Section 10-2-125 is renumbered and amended to read: [10-2-125]. <u>10-2a-302.</u> Incorporation of a town -- Petition. (1) As used in this section: (a) "Assessed value," with respect to agricultural land, means the value at which the land would be assessed without regard to a valuation for agricultural use under Section <del>59-2-503.</del>



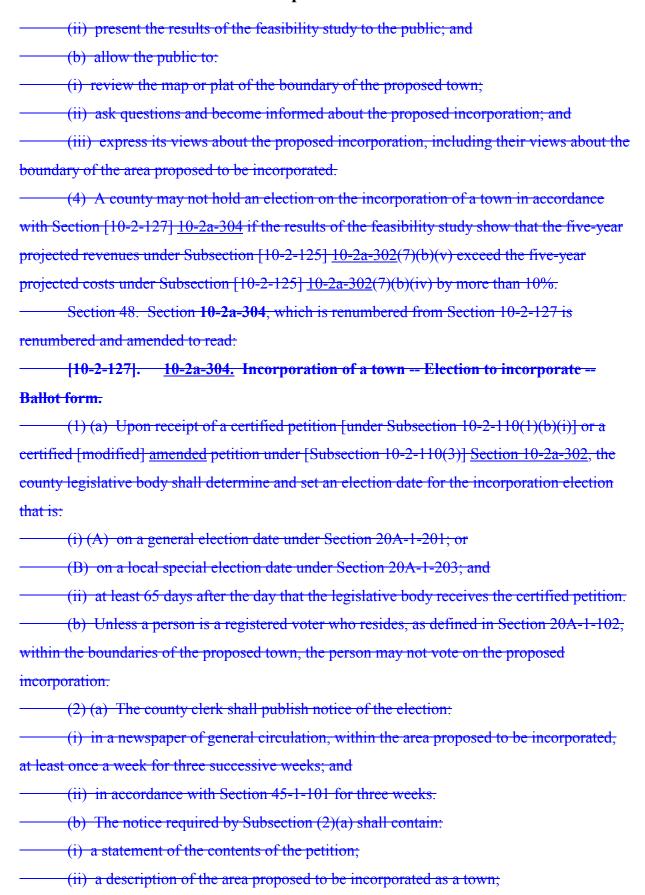
petition, one of whom shall be designated as the contact sponsor, with the mailing address of each owner signing as a sponsor; (iii) be accompanied by and circulated with an accurate map or plat, prepared by a licensed surveyor, showing a legal description of the boundary of the proposed town; and (iv) substantially comply with and be circulated in the following form: PETITION FOR INCORPORATION OF (insert the proposed name of the proposed town) To the Honorable County Legislative Body of (insert the name of the county in which the proposed town is located) County, Utah: We, the undersigned owners of real property and registered voters within the area described in this petition, respectfully petition the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a town. Each of the undersigned affirms that each has personally signed this petition and is an owner of real property or a registered voter residing within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a town is described as follows: (insert an accurate description of the area proposed to be incorporated). (c) A petition under this Subsection (3) may not describe an area that includes some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that: (i) was filed before the filing of the petition; and (ii) is still pending on the date the petition is filed. (d) A petition may not be filed under this section if the private real property owned by the petition sponsors, designated under Subsection (3)(b)(ii), cumulatively exceeds 40% of the total private land area within the area proposed to be incorporated as a town. (e) A signer of a petition under this Subsection (3) may withdraw or, after withdrawn, reinstate the signer's signature on the petition: (i) at any time until the county clerk certifies the petition under Subsection (5); and (ii) by filing a signed, written withdrawal or reinstatement with the county clerk. (4) (a) If a petition is filed under Subsection (3)(a) proposing to incorporate as a town an area located within a county of the first class, the county clerk shall deliver written notice of

the proposed incorporation: (i) to each owner of private real property owning more than 1% of the assessed value of all private real property within the area proposed to be incorporated as a town; and (ii) within seven calendar days after the date on which the petition is filed. (b) A private real property owner described in Subsection (4)(a)(i) may exclude all or part of the owner's property from the area proposed to be incorporated as a town by filing a notice of exclusion: (i) with the county clerk; and (ii) within 10 calendar days after receiving the clerk's notice under Subsection (4)(a). (c) The county legislative body shall exclude from the area proposed to be incorporated as a town the property identified in the notice of exclusion under Subsection (4)(b) if: (i) the property: (A) is nonurban; and (B) does not and will not require a municipal service; and (ii) exclusion will not leave an unincorporated island within the proposed town. (d) If the county legislative body excludes property from the area proposed to be incorporated as a town, the county legislative body shall send written notice of the exclusion to the contact sponsor within five days after the exclusion. (5) No later than 20 days after the filing of a petition under Subsection (3), the county clerk shall: (a) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3); and (b) (i) if the clerk determines that the petition complies with those requirements: (A) certify the petition and deliver the certified petition to the county legislative body; and (B) mail or deliver written notification of the certification to: (I) the contact sponsor; (II) if applicable, the chair of the planning commission of each [township] planning district in which any part of the area proposed for incorporation is located; and (III) the Utah Population Estimates Committee; or

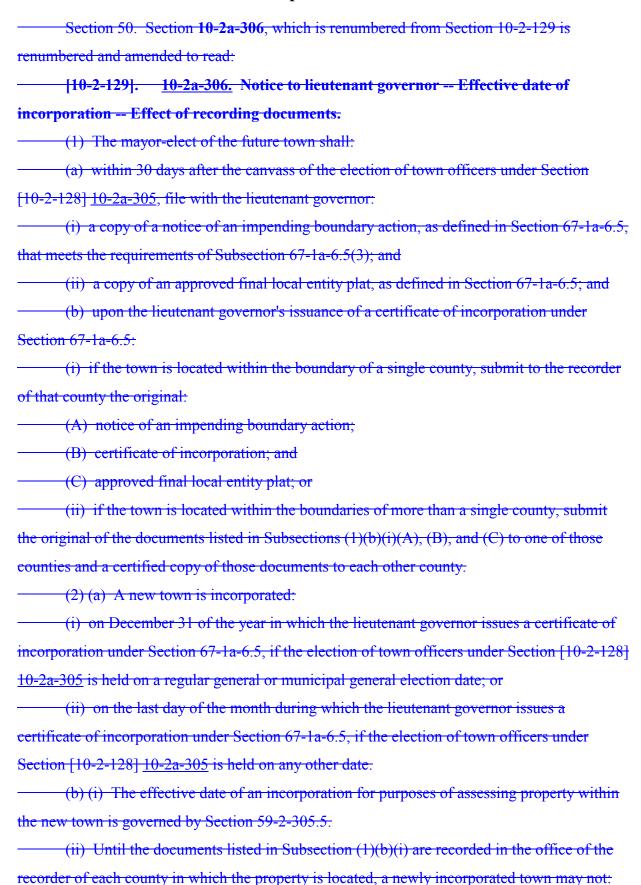


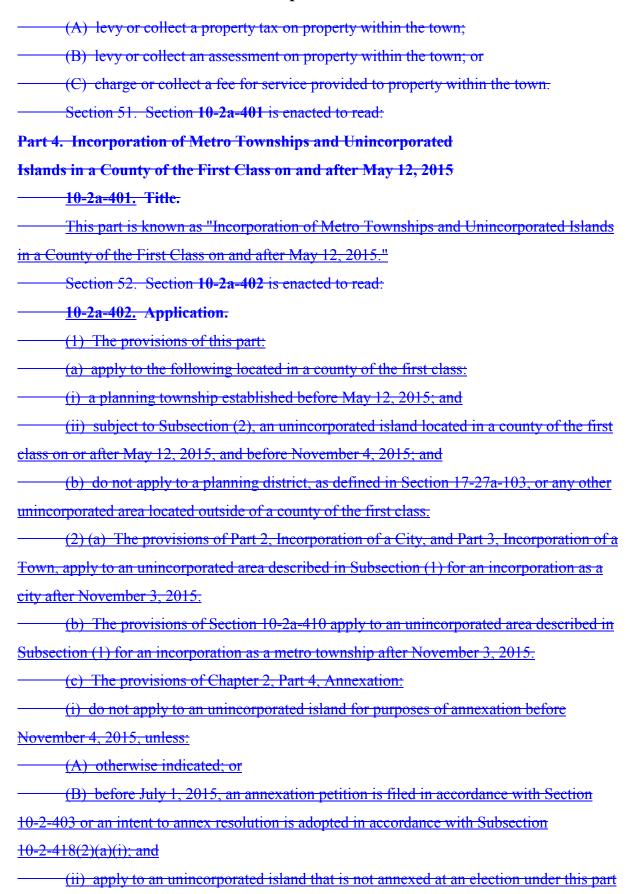
industrial development, and public facilities;
(iii) projected growth in the proposed town and in adjacent areas during the next five
<del>years;</del>
(iv) subject to Subsection (7)(e), the present and five-year projections of the cost,
including overhead, of governmental services in the proposed town, including:
(A) culinary water;
(B) secondary water;
<del>(C) sewer;</del>
(D) law enforcement;
(E) fire protection;
(F) roads and public works;
<del>(G) garbage;</del>
(H) weeds; and
——————————————————————————————————————
(v) assuming the same tax categories and tax rates as currently imposed by the county
and all other current service providers, the present and five-year projected revenue for the
proposed town; and
(vi) a projection of any new taxes per household that may be levied within the
incorporated area within five years of incorporation.
(c) (i) For purposes of Subsection (7)(b)(iv), the feasibility consultant shall assume a
level and quality of governmental services to be provided to the proposed town in the future
that fairly and reasonably approximate the level and quality of governmental services being
provided to the proposed town at the time of the feasibility study.
(ii) In determining the present cost of a governmental service, the feasibility consultant
shall consider:
(A) the amount it would cost the proposed town to provide governmental service for
the first five years after incorporation; and
(B) the county's present and five-year projected cost of providing governmental
service.
(iii) The costs calculated under Subsection (7)(b)(iv), shall take into account inflation
and anticipated growth.

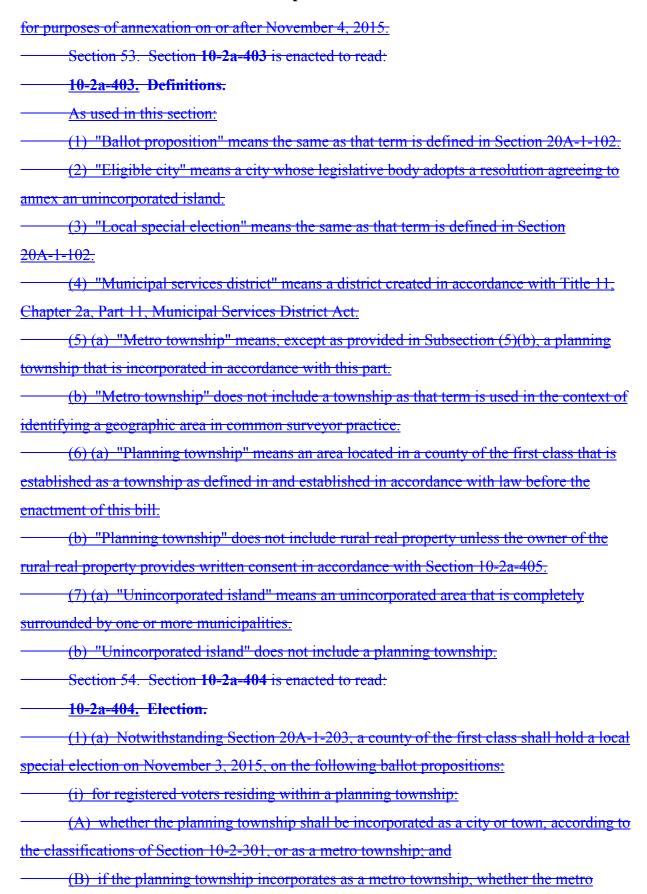
(d) If the five year projected revenues under Subsection (7)(b)(v) exceed the five-year projected costs under Subsection (7)(b)(iv) by more than 10%, the feasibility consultant shall project and report the expected annual revenue surplus to the contact sponsor and the lieutenant governor. (e) The county legislative body shall approve a certified petition proposing the incorporation of a town and hold a public hearing as provided in Section [10-2-126] 10-2a-303. Section 47. Section 10-2a-303, which is renumbered from Section 10-2-126 is renumbered and amended to read: [10-2-126]. <u>10-2a-303.</u> Incorporation of a town -- Public hearing on feasibility. (1) If, in accordance with Section [10-2-125] 10-2a-302, the county clerk certifies a petition for incorporation or an amended petition for incorporation, the county legislative body shall, at its next regular meeting after completion of the feasibility study, schedule a public hearing to: (a) be held no later than 60 days after the day on which the feasibility study is completed; and (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for the proposed town. (2) The county legislative body shall give notice of the public hearing on the proposed incorporation by: (a) posting notice of the public hearing on the county's Internet website, if the county has an Internet website; (b) (i) publishing notice of the public hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the proposed town; or (ii) if there is no newspaper of general circulation within the proposed town, posting notice of the public hearing in at least five conspicuous public places within the proposed town; and (c) publishing notice of the public hearing on the Utah Public Notice Website created in Section 63F-1-701. (3) At the public hearing scheduled in accordance with Subsection (1), the county legislative body shall: (a) (i) provide a copy of the feasibility study; and



(iii) a statement of the date and time of the election and the location of polling places; and (iv) the county Internet website address, if applicable, and the address of the county office where the feasibility study is available for review. (c) The last publication of notice required under Subsection (2)(a) shall occur at least one day but no more than seven days before the election. (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed town, the county clerk shall post at least one notice of the election per 100 population in conspicuous places within the proposed town that are most likely to give notice of the election to the voters of the proposed town. (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1)(a). (3) The ballot at the incorporation election shall pose the incorporation question substantially as follows: Shall the area described as (insert a description of the proposed town) be incorporated as the town of (insert the proposed name of the proposed town)? (4) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection (3). (5) If a majority of those casting votes within the area boundaries of the proposed town vote to incorporate as a town, the area shall incorporate. Section 49. Section 10-2a-305, which is renumbered from Section 10-2-128 is renumbered and amended to read: [10-2-128]. <u>10-2a-305.</u> Form of government -- Election of officers of new town. (1) A newly incorporated town shall operate under the five-member council form of government as defined in Section 10-3b-102. (2) (a) The county legislative body of the county in which a newly incorporated town is located shall hold an election for town officers at the next special election after the regular general election in which the town incorporation is approved. (b) The officers elected at an election described in Subsection (2)(a) shall take office at noon on the first Monday in January next following the special election described in Subsection (2)(a).







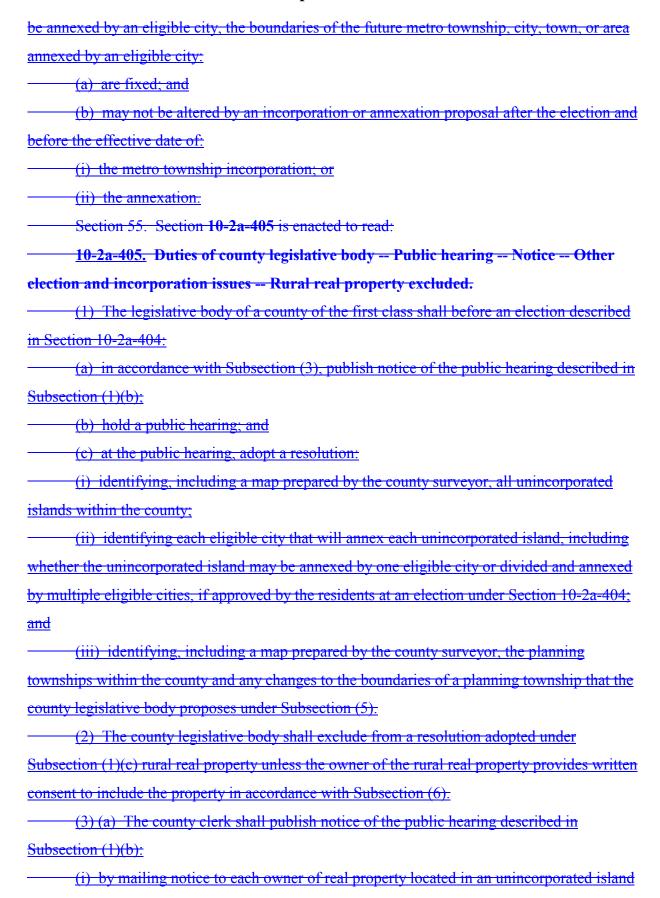
township is included in a municipal services district; and (ii) for registered voters residing within an unincorporated island, whether the island should maintain its unincorporated status or be annexed into an eligible city. (b) (i) A metro township incorporated under this part shall be governed by the five-member council or the three-member council, depending on the metro township population and in accordance with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government. (ii) A city or town incorporated under this part shall be governed by the five-member council form of government as defined in Section 10-3b-102. (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of a planning township or an unincorporated island, the person may not vote on the proposed incorporation or annexation. (3) The county clerk shall publish notice of the election: (a) in a newspaper of general circulation within the planning township or unincorporated island at least once a week for three successive weeks; and (b) in accordance with Section 45-1-101 for three weeks. (4) The notice required by Subsection (3) shall contain: (a) for residents of a planning township: (i) a statement that the voters will vote: (A) to incorporate as a city or town, according to the classifications of Section 10-2-301, or as a metro township; and (B) if the planning township incorporates as a metro township, whether the metro township is included in a municipal services district; (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the planning township boundaries that would be effective upon incorporation; (iii) a statement that if the residents of the planning township elect to incorporate: (A) as a metro township, the metro township shall be governed by a metro township council and the number of council members appropriate to that metro township in accordance with Chapter 3b, Part 5, Metro Township Council Form of Municipal Government; or

- 81 -

(B) as a city or town, the city or town shall be governed by the five-member council

form of government as defined in Section 10-3b-102; and

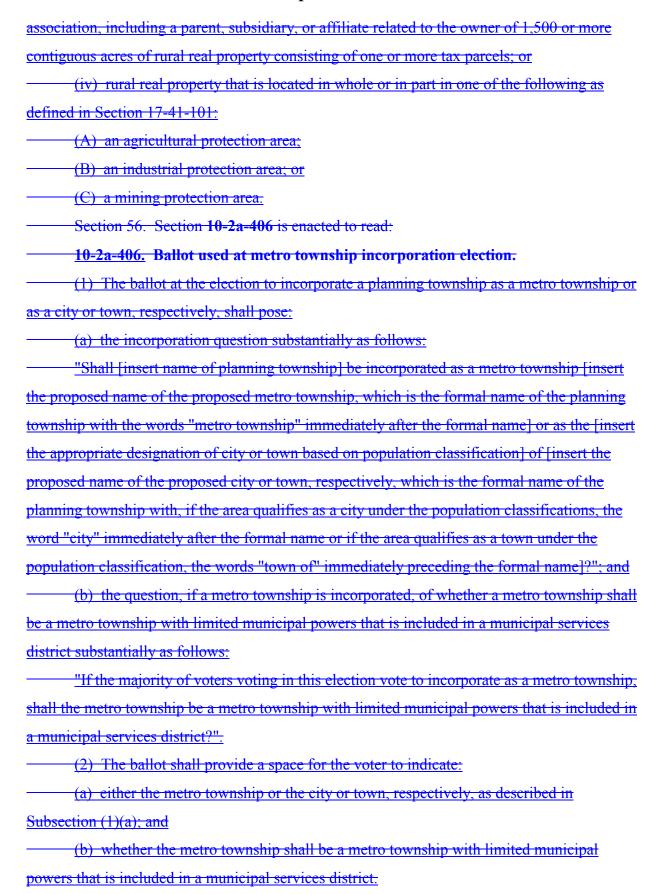
(iv) a statement of the date and time of the election and the location of polling places; (b) for residents of an unincorporated island: (i) a statement that the voters will vote either to be annexed into an eligible city or maintain unincorporated status; and (ii) a statement of the eligible city, as determined by the county legislative body in accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and (c) a statement of the date and time of the election and the location of polling places. (5) The last publication of notice required under Subsection (3) shall occur at least one day but no more than seven days before the election. (6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general circulation within the proposed metro township or unincorporated island, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the planning township or unincorporated island that are most likely to give notice of the election to the voters of the proposed incorporation or annexation. (b) The clerk shall post the notices under Subsection (6)(a) at least seven days before the election under Subsection (1). (7) (a) In a planning township, if a majority of those casting votes within the planning township vote to: (i) incorporate as a city or town, the planning township shall incorporate as a city or town, respectively; or (ii) incorporate as a metro township, the planning township shall incorporate as a metro township. (b) If a majority of those casting votes within the planning township vote to incorporate as a metro township, and a majority of those casting votes vote to include the metro township in a municipal services district and limit the metro township's municipal powers, the metro township shall be included in a municipal services district and have limited municipal powers. (c) In an unincorporated island, if a majority of those casting a vote within the selected unincorporated island vote to: (i) be annexed by the eligible city, the area is annexed by the eligible city; or (ii) remain an unincorporated area, the area shall remain unincorporated. (8) Upon the successful election to incorporate as a metro township, city, or town, or to

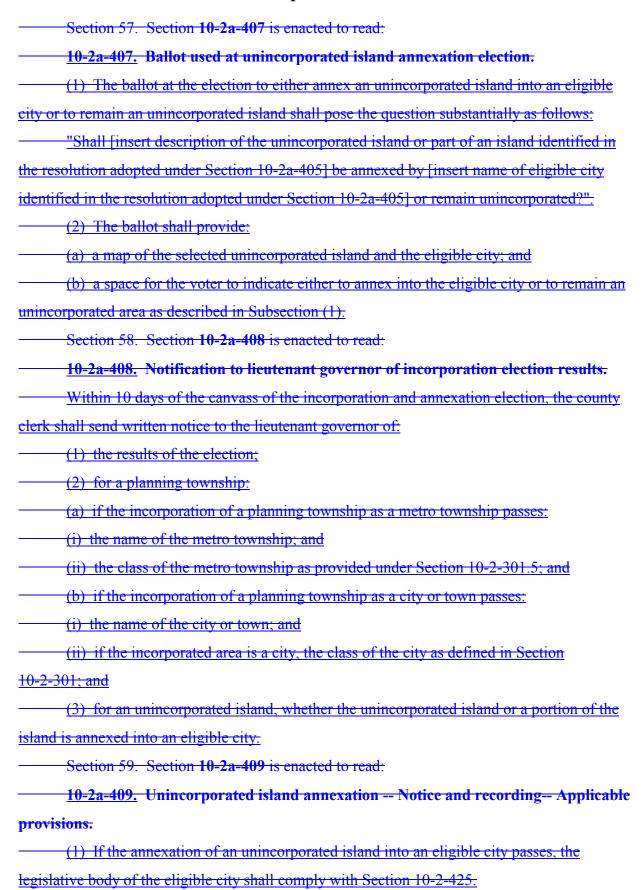


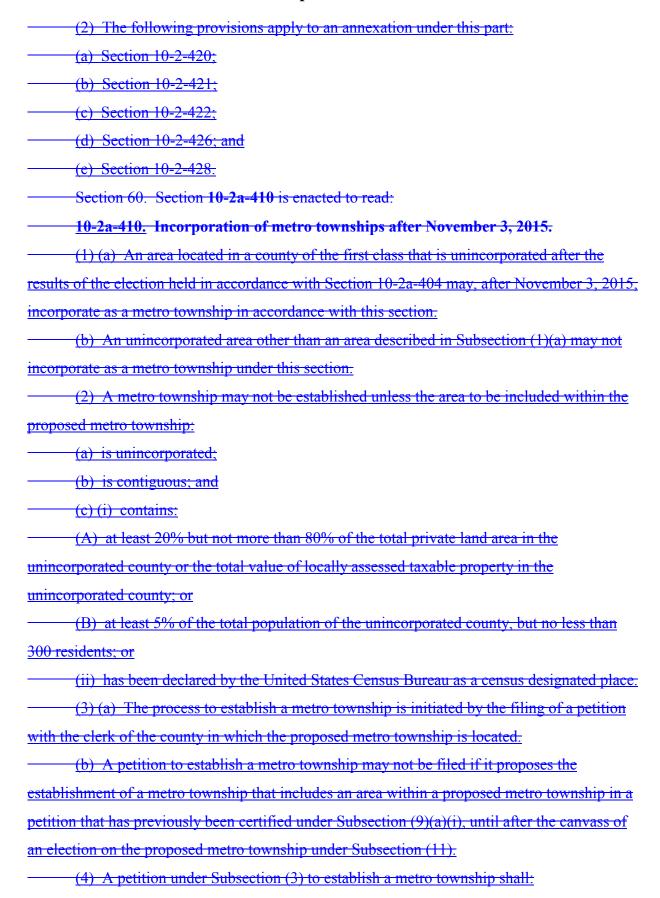
or planning township no later than 15 days before the day of the public hearing; (ii) at least once a week for three successive weeks in a newspaper of general circulation within each unincorporated island, each eligible city, and each planning township; and (iii) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the public hearing. (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least three days before the first public hearing required under Subsection (1)(b). (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation within an unincorporated island, an eligible city, or a planning township, the county clerk shall post at least one notice of the hearing per 1,000 population in conspicuous places within the selected unincorporated island, eligible city, or planning township, as applicable, that are most likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or planning township. (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before the hearing under Subsection (1)(b). (d) The notice under Subsection (3)(a) or (c) shall include: (i) (A) for a resident of an unincorporated island, a statement that the property in the unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by an eligible city, including divided and annexed by multiple cities if applicable, and the name of the eligible city or cities; or (B) for residents of a planning township, a statement that the property in the planning township shall be, pending the results of the election held under Section 10-2a-404, incorporated as a city, town, or metro township; (ii) the location and time of the public hearing; and (iii) the county website where a map may be accessed showing: (A) how the unincorporated island boundaries will change if annexed by an eligible city; or (B) how the planning township area boundaries will change, if applicable under Subsection (5), when the planning township incorporates as a metro township or as a city or town.

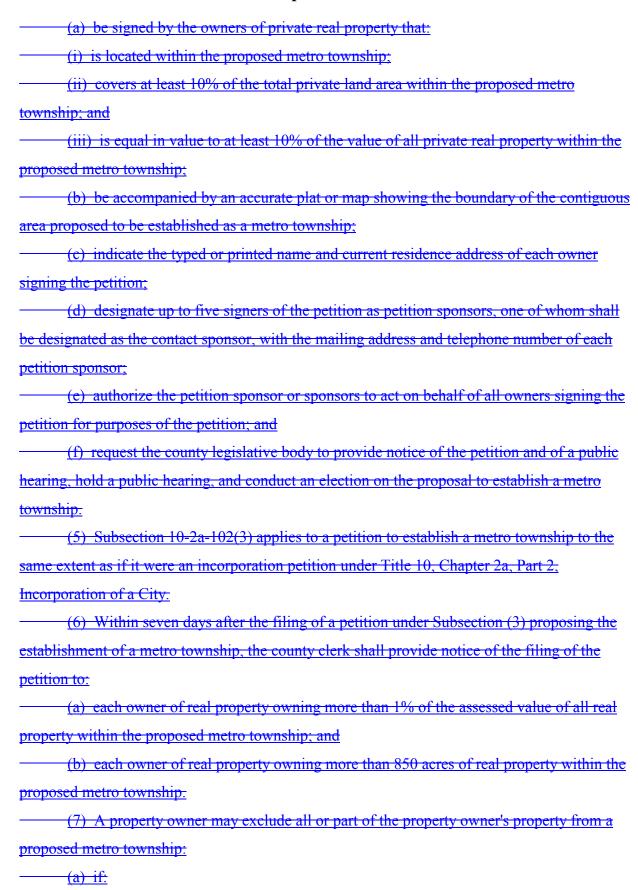
(e) The county clerk shall publish a map described in Subsection (3)(c)(iii) on the county website. (4) The county legislative body may, by ordinance or resolution adopted at a public meeting and in accordance with applicable law, resolve an issue that arises with an election held in accordance with this part or the incorporation and establishment of a metro township in accordance with this part. (5) (a) The county legislative body may, by ordinance or resolution adopted at a public meeting, change the boundaries of a planning township. (b) A change to a planning township boundary under this Subsection (5) is effective only upon the vote of the residents of the planning township at an election under Section 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the boundaries of the planning township before the election. (c) The county legislative body may alter a planning township boundary under Subsection (5)(a) only if the alteration affects less than 5% of the residents residing within the planning district. (6) (a) As used in this Subsection (6), "rural real property" means an area: (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and (ii) that does not include residential units with a density greater than one unit per acre. (b) Unless an owner of rural real property gives written consent to a county legislative body, rural real property described in Subsection (6)(c) may not be: (i) included in a planning township identified under Subsection (1)(c); or (ii) incorporated as part of a metro township, city, or town, in accordance with this <del>part.</del> (c) The following rural real property is subject to an owner's written consent under Subsection (6)(b): (i) rural real property that consists of 1,500 or more contiguous acres of real property consisting of one or more tax parcels; (ii) rural real property that is not contiguous to, but used in connection with, rural real property that consists of 1,500 or more contiguous acres of real property consisting of one or more tax parcels;

(iii) rural real property that is owned, managed, or controlled by a person, company, or



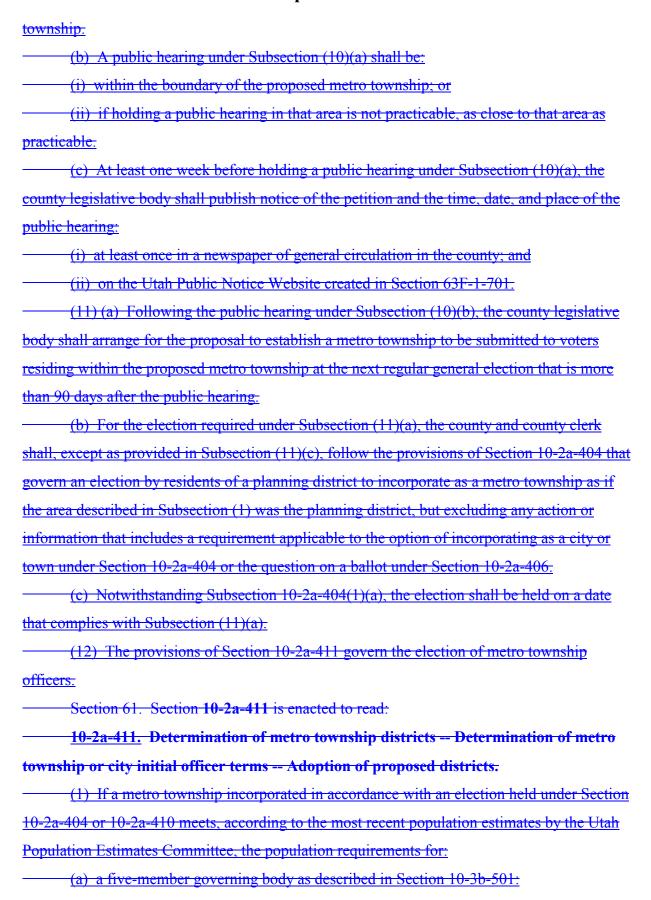






(i) (A) the property owner owns more than 1% of the assessed value of all property within the proposed township, the property is nonurban, and the property does not or will not require municipal provision of municipal-type services or the property owner owns more than 850 acres of real property within the proposed metro township; and (B) exclusion of the property will not leave within the metro township an island of property that is not part of the metro township; or (ii) the property owner owns rural real property as that term is defined in Section 17B-2a-1107; and (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (6). (8) (a) The county legislative body shall exclude from the proposed metro township the property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property meets the applicable requirements of Subsection (7)(a). (b) If the county legislative body excludes property from a proposed metro township under Subsection (8)(a), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor. (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county clerk shall: (i) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4); and (ii) if the clerk determines that the petition: (A) complies with the requirements of Subsection (4), certify the petition, deliver the certified petition to the county legislative body, and mail or deliver written notification of the certification to the contact sponsor; or (B) fails to comply with any of the requirements of Subsection (4), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection. (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk. (10) (a) Within 90 days after a petition to establish a metro township is certified, the

county legislative body shall hold a public hearing on the proposal to establish a metro

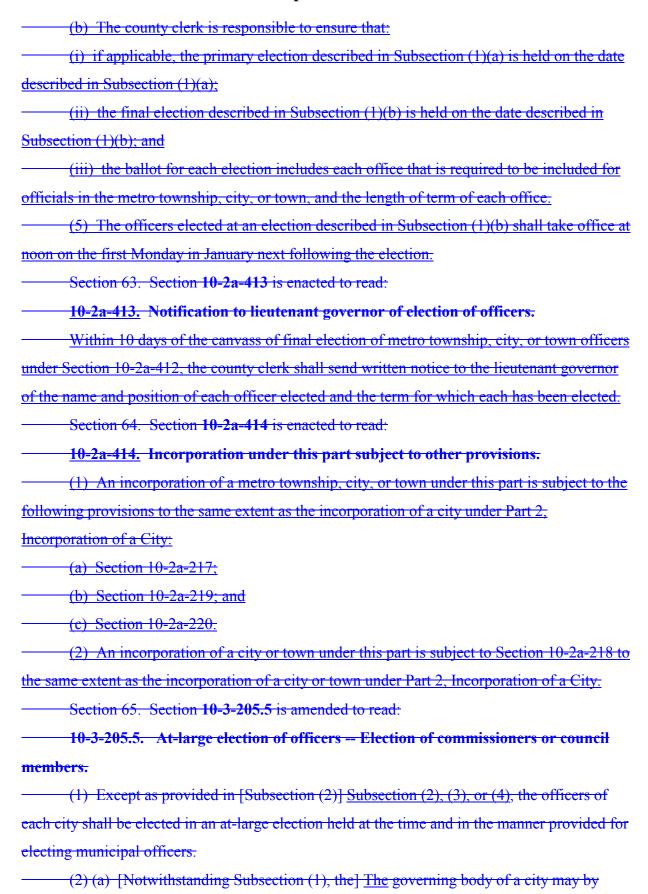


(i) each of the five metro township council members shall be elected by district; and (ii) the boundaries of the five council districts for election and the terms of office shall be designated and determined in accordance with this section; or (b) a three-member governing body as described in Section 10-3b-501, the three metro township council members shall be elected at large for terms as designated and determined in accordance with this section. (2) (a) If a town is incorporated at an election held in accordance with Section 10-2a-404, the five council members shall be elected at large for terms as designated and determined in accordance with this section. (b) If a city is incorporated at an election held in accordance with Section 10-2a-404: (i) (A) the four members of the council district who are not the mayor shall be elected by district; and (B) the boundaries of the four council districts for election and the term of office shall be designated and determined in accordance with this section; and (ii) the mayor shall be elected at large for a term designated and determined in accordance with this section. (3) (a) No later than 90 days after the election day on which the metro township, city, or town is successfully incorporated under this part, the legislative body of the county in which the metro township is located shall adopt by resolution: (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town, the council terms for a length of time in accordance with this section; and (ii) (A) for a metro township of the first class, if applicable, the boundaries of the five council districts; and (B) for a city, the boundaries of the four council districts. (b) (i) For each metro township, city, or town, the county legislative body shall set the initial terms of the members of the metro township council, city council, or town council so that: (A) approximately half the members of the council, including the mayor in the case of a city, are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

(B) the remaining members of the council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2). (ii) For a metro township of the first class, the county legislative body shall divide the metro township into five council districts that comply with Section 10-3-205.5. (iii) For a city, the county legislative body shall divide the city into four council districts that comply with Section 10-3-205.5. (4) (a) Within 20 days of the county legislative body's adoption of a resolution under Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice containing: (i) if applicable, a description of the boundaries of the metro township council or city council districts as designated in the resolution; (ii) information about the deadline for filing a declaration of candidacy for those seeking to become candidates for metro township council, city council, town council, or city mayor, respectively; and (iii) information about the length of the initial term of city mayor or each of the metro township, city, or town council offices, as described in the resolution. (b) The notice under Subsection (4)(a) shall be published: (i) in a newspaper of general circulation within the metro township, city, or town at least once a week for two successive weeks; and (ii) in accordance with Section 45-1-101 for two weeks. (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general circulation within the future metro township, city, or town, the county clerk shall post at least one notice per 1,000 population in conspicuous places within the future metro township, city, or town that are most likely to give notice to the residents of the future metro township, city, or town. (ii) The notice under Subsection (4)(c)(i) shall contain the information required under Subsection (4)(a). (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

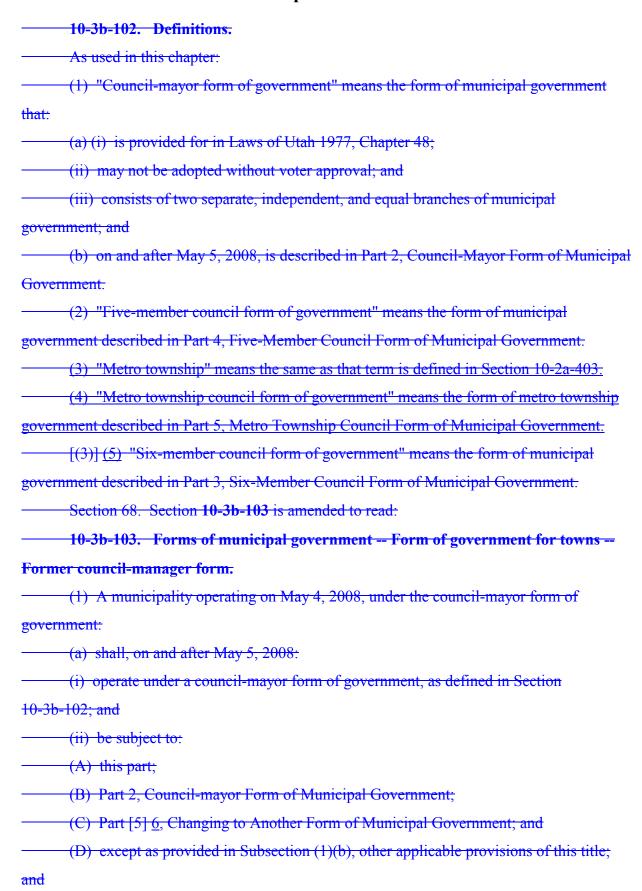
(d) A person seeking to become a candidate for metro township, city, or town council

or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with the clerk of the county in which the metro township, city, or town is located for an election described in Section 10-2a-412. Section 62. Section 10-2a-412 is enacted to read: 10-2a-412. Election of officers of new city, town, or metro township. (1) For the election of the initial office holders of a metro township, city, or town, respectively, incorporated under Section 10-2a-404, the county legislative body shall: (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary election at the next regular primary election, as described in Section 20A-1-201.5, following the November 3, 2015, election to incorporate; and (b) hold a final election at the next regular general election date following the election to incorporate. (2) An election under Subsection (1) for the officers of: (a) a metro township shall be consistent with the number of council members based on the population of the metro township as described in Subsection 10-2a-404(1)(b)(i): and (b) a city or town shall be consistent with the number of council members, including the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii). (3) (a) (i) The county clerk shall publish notice of an election under this section: (A) at least once a week for two successive weeks in a newspaper of general circulation within the future metro township, city, or town; and (B) in accordance with Section 45-1-101 for two weeks. (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more than seven days before the election. (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general circulation within the future metro township, city, or town, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the future metro township, city, or town that are most likely to give notice of the election to the voters. (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven days before each election under Subsection (1). (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the election officer for all purposes in an election of officers of the metro township, city, or town.

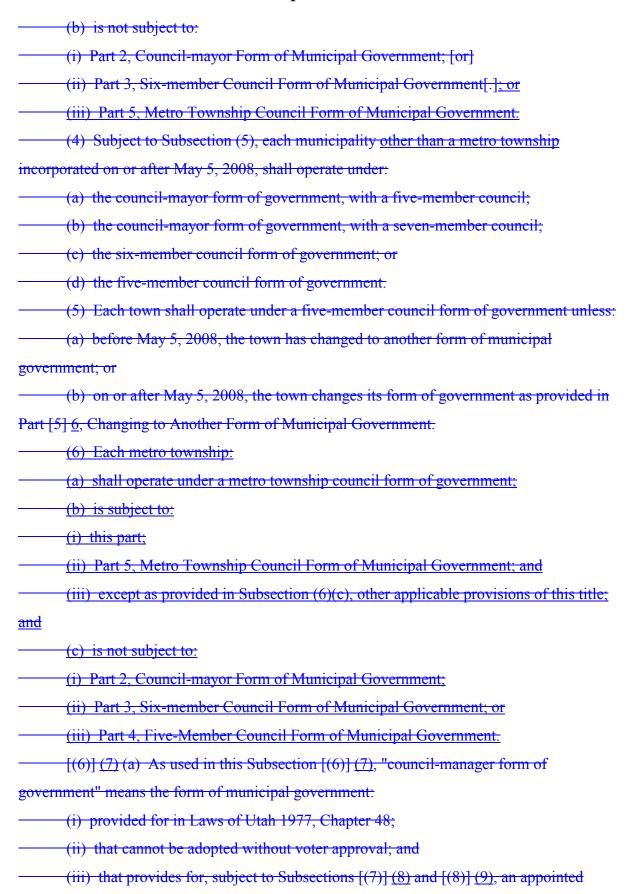


ordinance provide for the election of some or all commissioners or council members, as the

case may be, by district equal in number to the number of commissioners or council members elected by district. (b) (i) Each district shall be of substantially equal population as the other districts. (ii) Within six months after the Legislature completes its redistricting process, the governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population. (3) (a) The municipal council members of a metro township, as defined in Section 10-2a-403, are elected: (i) by district in accordance with Subsection 10-2a-411(1)(a)(i); or (ii) at large in accordance with Subsection 10-2a-411(1)(b). (b) The council districts in a metro township shall comply with the requirements of Subsections (2)(b)(i) and (ii). (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May <del>12, 2015:</del> (i) the council members are elected by district in accordance with Section 10-2a-411; and (ii) the mayor is elected at large in accordance with Section 10-2a-411. (b) The council districts in a city described in Subsection (4)(a) shall comply with the requirements of Subsections (2)(b)(i) and (ii). Section 66. Section 10-3-1302 is amended to read: <del>10-3-1302. Purpose.</del> (1) The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part may not be applied to an employee who is paid a salary or otherwise reimbursed by another political subdivision for services required by law to be provided to the metro township. Section 67. Section 10-3b-102 is amended to read:

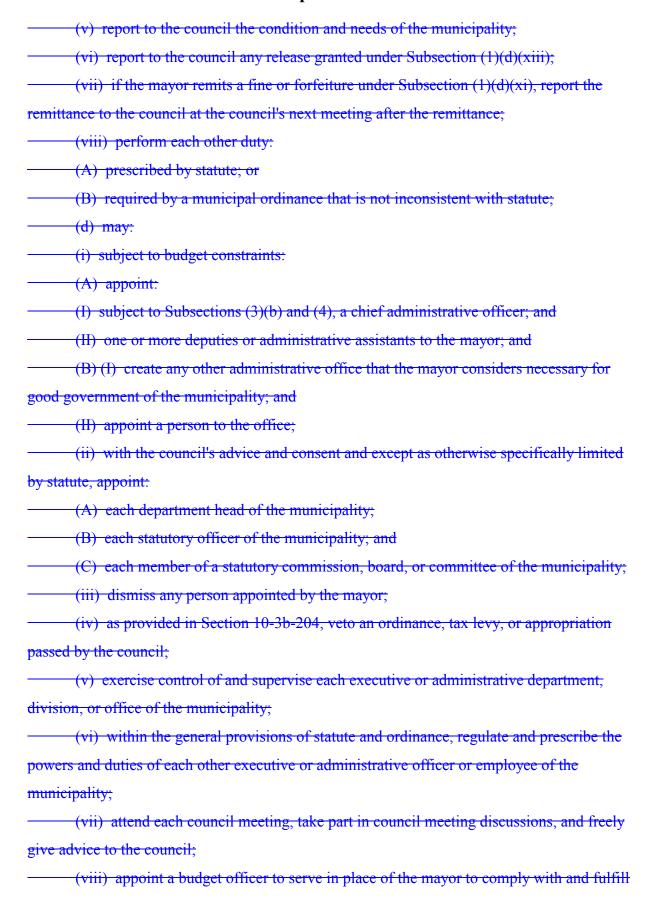


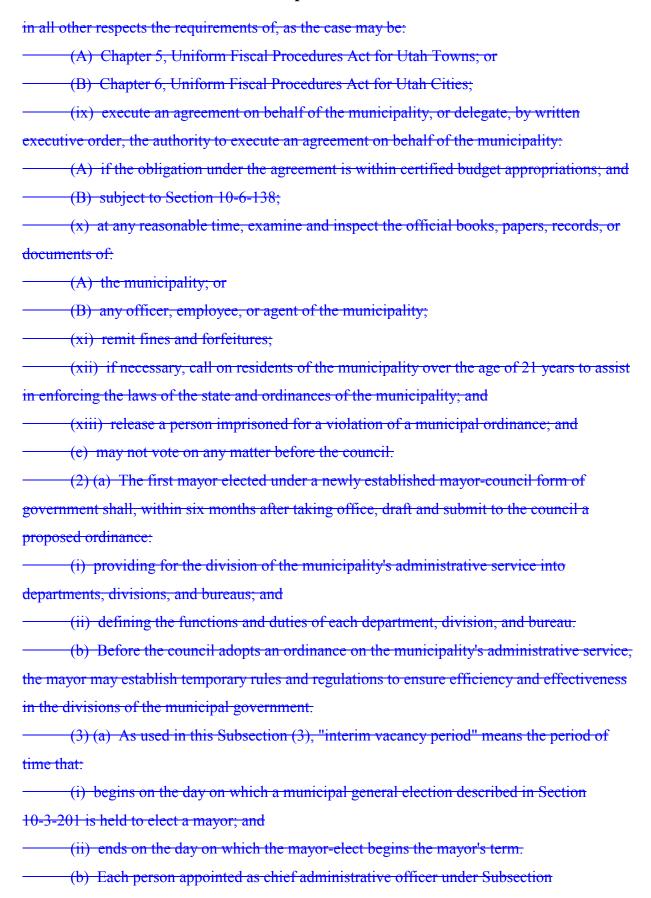
(b) is not subject to:
(i) Part 3, Six-member Council Form of Municipal Government; [or]
(ii) Part 4, Five-member Council Form of Municipal Government[.]; or
(iii) Part 5, Metro Township Council Form of Municipal Government.
(2) A municipality operating on May 4, 2008 under a form of government known under
the law then in effect as the six-member council form:
(a) shall, on and after May 5, 2008, and whether or not the council has adopted an
ordinance appointing a manager for the municipality:
(i) operate under a six-member council form of government, as defined in Section
<del>10-3b-102;</del>
——————————————————————————————————————
——————————————————————————————————————
(B) Part 3, Six-member Council Form of Municipal Government;
(C) Part [5] 6, Changing to Another Form of Municipal Government; and
(D) except as provided in Subsection (2)(b), other applicable provisions of this title;
<del>and</del>
(b) is not subject to:
(i) Part 2, Council-mayor Form of Municipal Government; [or]
(ii) Part 4, Five-member Council Form of Municipal Government[.]; or
(iii) Part 5, Metro Township Council Form of Municipal Government.
(3) A municipality operating on May 4, 2008, under a form of government known
under the law then in effect as the five-member council form:
(a) shall, on and after May 5, 2008:
(i) operate under a five-member council form of government, as defined in Section
<del>10-3b-102;</del>
——————————————————————————————————————
(A) this part;
(B) Part 4, Five-member Council Form of Municipal Government;
(C) Part [5] 6, Changing to Another Form of Municipal Government; and
(D) except as provided in Subsection (3)(b), other applicable provisions of this title;
<del>and</del>

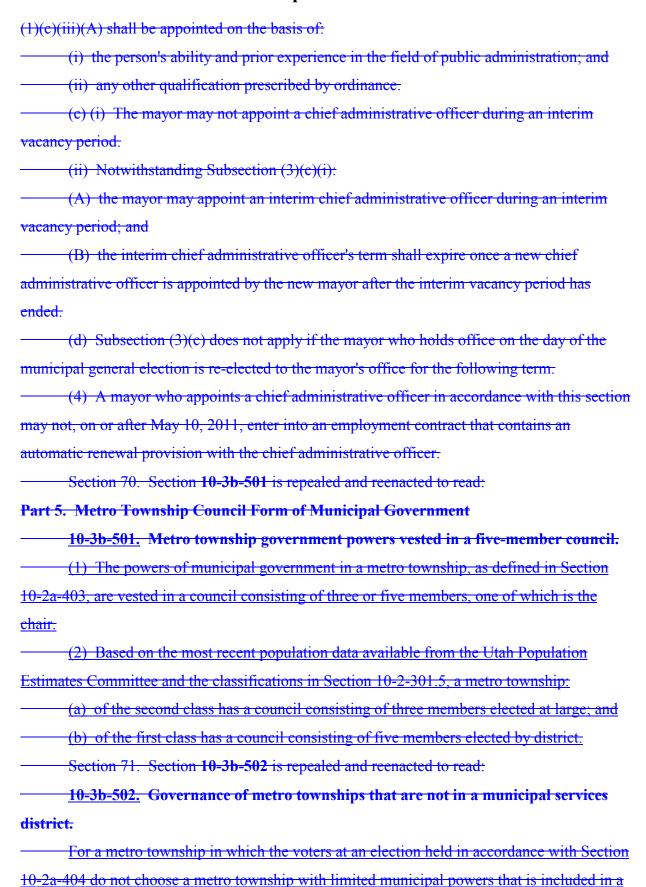


manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48. (b) A municipality operating on May 4, 2008, under the council-manager form of government: (i) shall: (A) continue to operate, on and after May 5, 2008, under the council-manager form of government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and (B) be subject to: (I) this Subsection [(6)] (7) and other applicable provisions of this part; (II) Part [5] 6, Changing to Another Form of Municipal Government; and (III) except as provided in Subsection [(6)] (7)(b)(ii), other applicable provisions of this title; and (ii) is not subject to: (A) Part 2, Council-mayor Form of Municipal Government; (B) Part 3, Six-member Council Form of Municipal Government; [or] (C) Part 4, Five-member Council Form of Municipal Government[.]; or (D) Part 5, Metro Township Council Form of Municipal Government. [(7)] (8) (a) As used in this Subsection [(7)] (8), "interim vacancy period" means the period of time that: (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and (ii) ends on the day on which the council member-elect begins the council member's term. (b) (i) The council may not appoint a manager during an interim vacancy period. (ii) Notwithstanding Subsection [(7)] (8)(b)(i): (A) the council may appoint an interim manager during an interim vacancy period; and (B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended. (c) Subsection [(7)] (8)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term. [(8)] (9) A council that appoints a manager in accordance with this section may not, on

or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager. [(9)] (10) Nothing in this section may be construed to prevent or limit a municipality operating under any form of municipal government from changing to another form of government as provided in Part [5] 6, Changing to Another Form of Municipal Government. Section 69. Section 10-3b-202 is amended to read: 10-3b-202. Mayor in council-mayor form of government. (1) The mayor in a municipality operating under the council-mayor form of government: (a) is the chief executive and administrative officer of the municipality; (b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality; (c) shall: (i) keep the peace and enforce the laws of the municipality; (ii) execute the policies adopted by the council; (iii) appoint, with the council's advice and consent, a qualified person for each of the following positions: (A) subject to Subsection (3), chief administrative officer, if required under the resolution or petition under Subsection [10-3b-503] 10-3b-603(1)(a) that proposed the change to a council-mayor form of government; (B) recorder; (C) treasurer; (D) engineer; and (E) attorney; (iv) provide to the council, at intervals provided by ordinance, a written report to the council setting forth: (A) the amount of budget appropriations; (B) total disbursements from the appropriations; (C) the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and (D) the percentage of the appropriations encumbered;

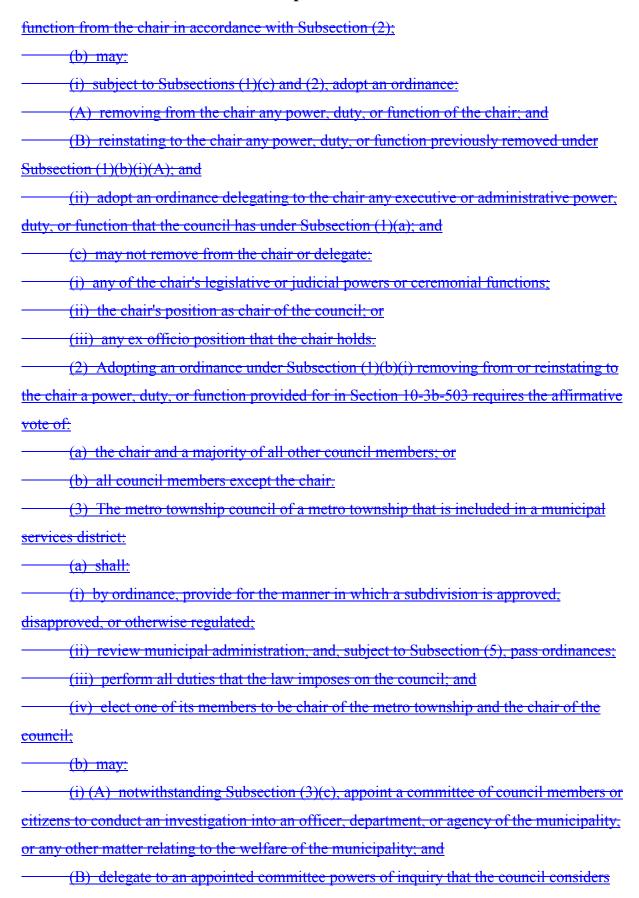






municipal services district:
(1) (a) the council, regardless of whether the council has five or three members under
<del>Section 10-3b-501:</del>
(i) has the same powers, authority, and duties as a council described in Section
<del>10-3b-403; and</del>
(ii) is not subject to Section 10-3b-504; and
(b) the chair:
(i) has the same powers, authority, and duties as a mayor described in Section
<del>10-3b-402; and</del>
(ii) is not subject to Section 10-3b-503.
Section 72. Section 10-3b-503 is repealed and reenacted to read:
10-3b-503. Chair in a metro township included in a municipal services district.
(1) The chair in a metro township that is included in a municipal services district:
(a) is a regular and voting member of the council;
(b) is elected by the members of the council from among the council members;
(c) is the chair of the council and presides at all council meetings;
(d) exercises ceremonial functions for the municipality;
(e) may not veto any ordinance, resolution, tax levy passed, or any other action taken
by the council;
(f) represents the metro township on the board of a municipal services district; and
(g) has other powers and duties described in this section and otherwise authorized by
law except as modified by ordinance under Subsection 10-3b-504(2).
(2) Except as provided in Subsection (3), the chair in a metro township that is included
in a municipal services district:
(a) shall:
(i) keep the peace and enforce the laws of the metro township;
(ii) ensure that all applicable statutes and metro township ordinances and resolutions
are faithfully executed and observed;
(iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the
remittance to the council at the council's next meeting after the remittance;
(iv) perform all duties prescribed by statute or metro township ordinance or resolution;

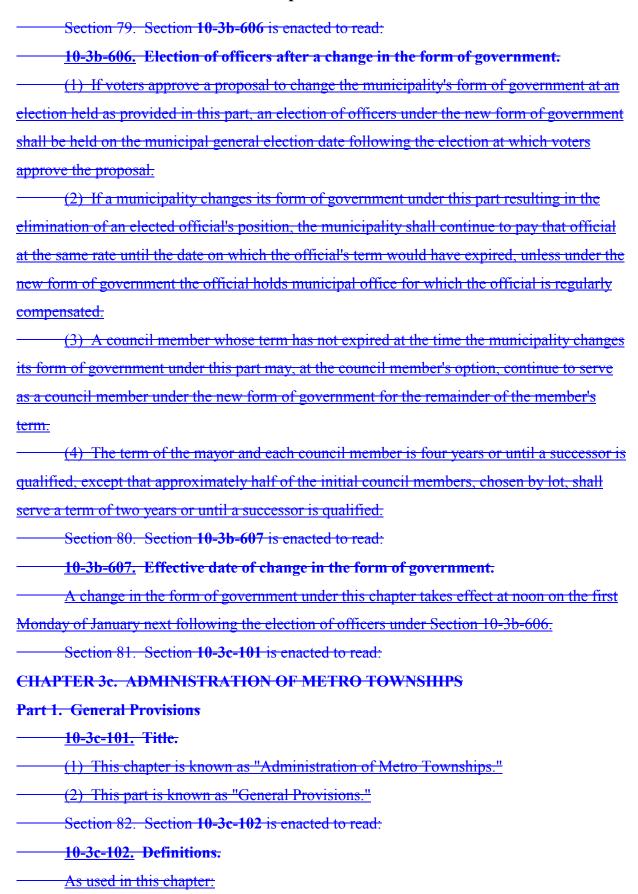
(v) report to the council the condition and needs of the metro township;
(vi) report to the council any release granted under Subsection (2)(g)(iv); and
<u>(b) may:</u>
(i) recommend for council consideration any measure that the chair considers to be in
the best interests of the municipality;
(ii) remit fines and forfeitures;
(iii) if necessary, call on residents of the municipality over the age of 21 years to assist
in enforcing the laws of the state and ordinances of the municipality;
(iv) release a person imprisoned for a violation of a municipal ordinance;
(v) with the council's advice and consent appoint a person to fill a municipal office or a
vacancy on a commission or committee of the municipality; and
(vi) at any reasonable time, examine and inspect the official books, papers, records, or
documents of:
(A) the municipality; or
(B) any officer, employee, or agency of the municipality.
(3) The powers and duties in Subsection (1) are subject to the council's authority to
limit or expand the chair's powers and duties under Section 10-3b-504(2).
(4) (a) If the chair is absent, unable, or refuses to act, the council may elect a member
of the council as chair pro tempore, to:
(i) preside at a council meeting; and
(ii) perform during the chair's absence, disability, or refusal to act, the duties and
functions of chair.
(b) In accordance with Section 10-3c-203, the county clerk of the county in which the
metro township is located shall enter in the minutes of the council meeting the election of a
council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).
Section 73. Section 10-3b-504 is repealed and reenacted to read:
<u>10-3b-504.</u> Council in a metro township included in a municipal services district.
(1) The council in a metro township that is included in a municipal services district:
(a) exercises any executive or administrative power and performs or supervises the
performance of any executive or administrative power, duty, or function that has not been
given to the chair under Section 10-3b-503 unless the council removes that power, duty, or

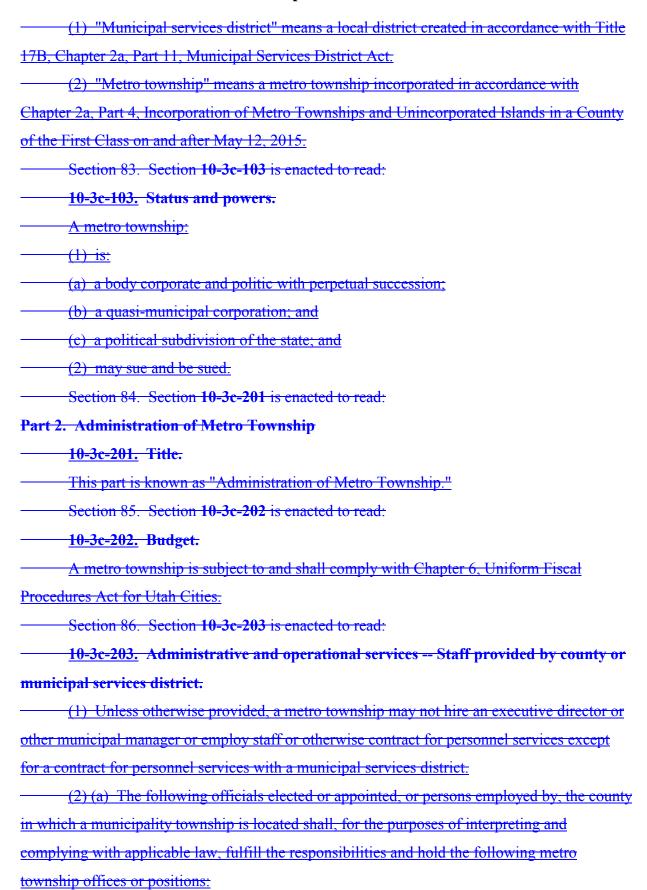


# necessary; (ii) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and (iii) subject to the limitations provided in Subsection (5), take any action allowed under Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the metro township inhabitants; and (c) may not: (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office; (ii) interfere in any way with an executive officer's performance of the officer's duties; <u>01</u> (iii) publicly or privately give orders to a subordinate of the chair. (4) A member of a metro township council as described in this section may not have any other compensated employment with the metro township. (5) The council of a metro township that is included in a municipal services district may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act. Section 74. Section 10-3b-601 is enacted to read: Part 6. Changing to Another Form of Municipal Government <u>10-3b-601</u>. Authority to change to another form of municipal government. (1) As provided in this part, a municipality may change from the form of government under which it operates to: (a) the council-mayor form of government with a five-member council; (b) the council-mayor form of government with a seven-member council; (c) the six-member council form of government; or (d) the five-member council form of government. (2) (a) A metro township that changes from the metro township council form of government to a form described in Subsection (1): (i) is no longer a metro township; and

(ii) subject to Subsection (2)(b), is a city or town and operates as and has the authority of a city or town. (b) If a metro township with a population that qualifies as a town in accordance with Section 10-2-301 changes the metro township's form of government in accordance with this part, the metro township may only change to the five-member council form of government. (3) A municipality other than a metro township may not operate under the metro township council form of government. Section 75. Section 10-3b-602 is enacted to read: <u>10-3b-602.</u> Voter approval required for a change in the form of government. A municipality may not change its form of government under this part unless voters of the municipality approve the change at an election held for that purpose. Section 76. Section 10-3b-603 is enacted to read: <u>10-3b-603.</u> Resolution or petition proposing a change in the form of government. (1) The process to change the form of government under which a municipality operates is initiated by: (a) the council's adoption of a resolution proposing a change; or (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures, proposing a change. (2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the council shall hold at least two public hearings on the proposed change. (3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on the proposed change in the form of government at the next municipal general election or regular general election that is more than 75 days after, as the case may be: (i) a resolution under Subsection (1)(a) is adopted; or (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section <del>20A-7-507.</del> (b) Notwithstanding Subsection (3)(a), an election on a proposed change in the form of government may not be held if: (i) in the case of a proposed change initiated by the council's adoption of a resolution under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

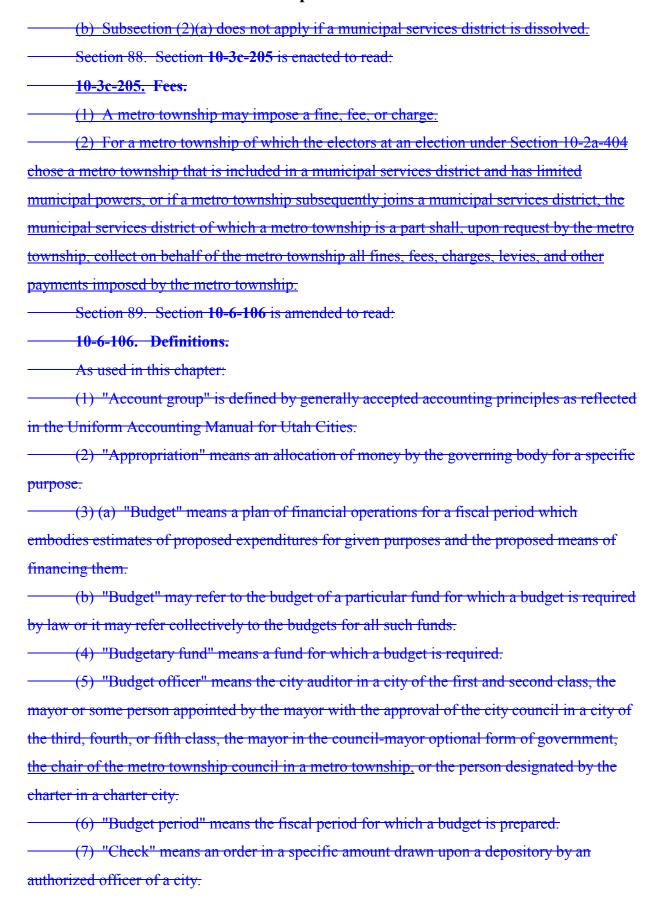
(ii) in the case of a proposed change initiated by a petition under Subsection (1)(b), enough signatures are withdrawn from the petition within 60 days after the petition is declared sufficient under Section 20A-7-507 that the petition is no longer sufficient. (4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection (1)(b) shall: (a) state the method of election and initial terms of council members; and (b) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district. (5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing a change to a council-mayor form of government may require that, if the change is adopted, the mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief administrative officer, to exercise the administrative powers and perform the duties that the mayor prescribes. Section 77. Section 10-3b-604 is enacted to read: 10-3b-604. Limitations on adoption of a resolution and filing of a petition. A resolution may not be adopted under Subsection 10-3b-603(1)(a) and a petition may not be filed under Subsection 10-3b-603(1)(b) within: (1) four years after an election at which voters reject a proposal to change the municipality's form of government, if the resolution or petition proposes changing to the same form of government that voters rejected at the election; or (2) four years after the effective date of a change in the form of municipal government or an incorporation as a municipality. Section 78. Section 10-3b-605 is enacted to read: 10-3b-605. Ballot form. The ballot at an election on a proposal to change the municipality's form of government shall: (1) state the ballot question substantially as follows: "Shall (state the municipality's name), Utah, change its form of government to the (state "council-mayor form, with a five-member council," "council-mayor form, with a seven-member council," "six-member council form," or "five-member council form," as applicable)?"; and (2) provide a space or method for the voter to vote "yes" or "no."



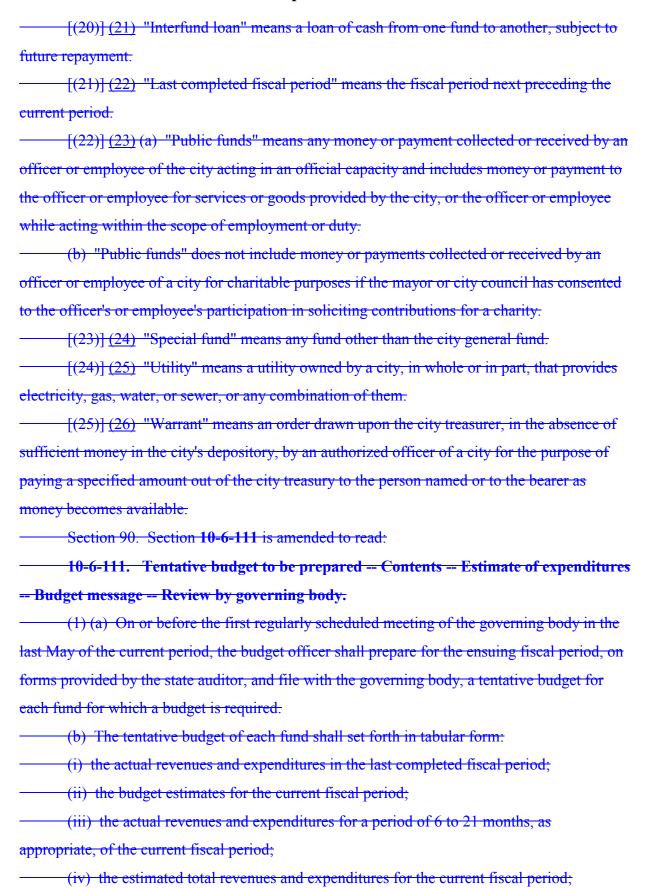


(i) the county treasurer shall fulfill the duties and hold the powers of treasurer for the metro township; (ii) the county clerk shall fulfill the duties and hold the powers of recorder and clerk for the metro township; (iii) the county surveyor shall fulfill, on behalf of the metro township, all surveyor duties imposed by law; (iv) the engineer shall fulfill the duties and hold the powers of engineer for the metro township; and (v) subject to Subsection (2)(b), the county auditor shall fulfill the duties and hold the powers of auditor for the metro township. (b) (i) The county auditor shall fulfill the duties and hold the powers of auditor for the metro township to the extent that the county auditor's powers and duties are described in and delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and a municipal auditor's powers and duties described in this title are the same. (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in Sections 17-19a-203, 17-19a-204, and 17-19a-205, and services other than those described in Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that are required by law, shall be performed by county staff other than the county auditor. (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in Subsections (2)(a)(i) through (iv) of a duty to either the county or metro township or a duty to fulfill that official's position as required by law. (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other person described in Subsections (2)(a)(i) through (iv): (i) is elected, appointed, or otherwise employed, in accordance with the provisions of Title 17, Counties, as applicable to that official's or person's county office; (ii) is paid a salary and benefits and subject to employment discipline in accordance with the provisions of Title 17, Counties, as applicable to that official's or person's county office; (iii) is not subject to: (A) Chapter 3, Part 11, Personnel Rules and Benefits; or (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(iv) is not required to provide a bond for the applicable municipal office if a bond for the office is required by this title. (4) (a) The metro township may establish a planning commission in accordance with Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701. (b) The metro township may not employ staff to support a planning commission or appeal authority. (c) A metro township may not employ an attorney for purposes of providing legal advice to the chair or metro township council or any other metro township purpose. (5) A municipal services district established in accordance with Section 17B, Chapter 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, shall provide: (a) staff to the metro township planning commission and appeal authority; and (b) legal counsel to the metro township. (6) (a) This section applies only to a metro township in which: (i) the electors at an election under Section 10-2a-404 chose a metro township that is included in a municipal services district and has limited municipal powers; or (ii) the metro township subsequently joins a municipal services district. (b) This section does not apply to a metro township described in Subsection (6)(a) if the municipal services district is dissolved. Section 87. Section 10-3c-204 is enacted to read: 10-3c-204. Taxing authority limited. (1) A metro township may not impose: (a) a municipal energy sales and use tax as described in Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; or (b) a municipal telecommunication's license tax as described in Chapter 1, Part 4, Municipal Telecommunications License Tax. (2) (a) If the electors at an election under Section 10-2a-404 chose a metro township that is included in a municipal services district and has limited municipal powers, or a metro township subsequently joins a municipal services district, the metro township may not levy or impose a tax unless the Legislature expressly provides that the metro township may levy or impose the tax.



(8) "City" means a city or a metro township as defined in Section 10-2a-403. [(8)] (9) "City general fund" means the general fund used by a city. [(9)] (10) "Current period" means the fiscal period in which a budget is prepared and adopted, i.e., the fiscal period next preceding the budget period. [(10)] (11) "Department" means any functional unit within a fund that carries on a specific activity, such as a fire or police department within a city general fund. [(11)] (12) "Encumbrance system" means a method of budgetary control in which part of an appropriation is reserved to cover a specific expenditure by charging obligations, such as purchase orders, contracts, or salary commitments to an appropriation account at their time of origin. Such obligations cease to be encumbrances when paid or when the actual liability is entered on the city's books of account. [(12)] (13) "Enterprise fund" means a fund as defined by the Governmental Accounting Standards Board that is used by a municipality to report an activity for which a fee is charged to users for goods or services. [(13)] (14) "Estimated revenue" means the amount of revenue estimated to be received from all sources during the budget period in each fund for which a budget is being prepared. [(14)] (15) "Financial officer" means the mayor in the council-mayor optional form of government or the city official as authorized by Section 10-6-158. [(15)] (16) "Fiscal period" means the annual or biennial period for accounting for fiscal operations in each city. [(16)] (17) "Fund" is as defined by generally accepted accounting principles as reflected in the Uniform Accounting Manual for Utah Cities. [(17)] (18) "Fund balance," "retained earnings," and "deficit" have the meanings commonly accorded such terms under generally accepted accounting principles as reflected in the Uniform Accounting Manual for Utah Cities. [(18)] (19) "General fund" is as defined by the Governmental Accounting Standards Board as reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office of the Utah State Auditor. -[(19)] (20) "Governing body" means a city council, or city commission, as the case may be, but the authority to make any appointment to any position created by this chapter is vested in the mayor in the council-mayor optional form of government.



(v) the budget officer's estimates of revenues and expenditures for the budget period, computed as provided in Subsection (1)(c); and (vi) if the governing body elects, the actual performance experience to the extent established by Section 10-6-154 and available in work units, unit costs, man hours, or man years for each budgeted fund on an actual basis for the last completed fiscal period, and estimated for the current fiscal period and for the ensuing budget period. (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v), the budget officer shall estimate: (A) on the basis of demonstrated need, the expenditures for the budget period, after: (I) hearing each department head; and (II) reviewing the budget requests and estimates of the department heads; and (B) (I) the amount of revenue available to serve the needs of each fund; (II) the portion of revenue to be derived from all sources other than general property taxes; and (III) the portion of revenue that shall be derived from general property taxes. (ii) The budget officer may revise any department's estimate under Subsection (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to the governing body. (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall compute and disclose in the budget the lowest rate of property tax levy that will raise the required amount of revenue, calculating the levy upon the latest taxable value. (2) (a) Each tentative budget, when filed by the budget officer with the governing body, shall contain the estimates of expenditures submitted by department heads, together with specific work programs and such other supporting data as this chapter requires or the governing body may request. Each city of the first or second class shall, and a city of the third, fourth, or fifth class may, submit a supplementary estimate of all capital projects which each department head believes should be undertaken within the next three succeeding years. (b) Each tentative budget submitted by the budget officer to the governing body shall be accompanied by a budget message, which shall explain the budget, contain an outline of the proposed financial policies of the city for the budget period, and shall describe the important features of the budgetary plan. It shall set forth the reasons for salient changes from the

previous fiscal period in appropriation and revenue items and shall explain any major changes in financial policy.

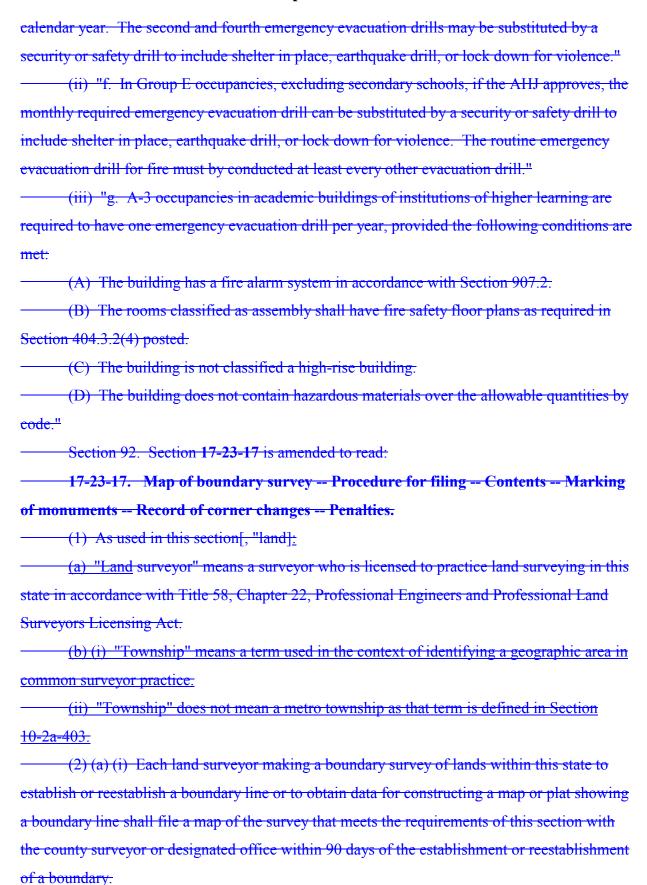
- (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the governing body in any regular meeting or special meeting called for the purpose and may be amended or revised in such manner as is considered advisable prior to public hearings, except that no appropriation required for debt retirement and interest or reduction of any existing deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be reduced below the minimums so required. (4) (a) If the municipality is acting pursuant to Section [10-2-120] 10-2a-218, the tentative budget shall: (i) be submitted to the governing body-elect as soon as practicable; and (ii) cover each fund for which a budget is required from the date of incorporation to the end of the fiscal year. (b) The governing body shall substantially comply with all other provisions of this chapter, and the budget shall be passed upon incorporation. Section 91. Section 15A-5-202.5 is amended to read: 15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC. (1) For IFC, Chapter 3, General Requirements: (a) IFC, Chapter 3, Section 304.1.2, Vegetation, is amended as follows: Delete line six and replace it with: "the Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance". (b) IFC, Chapter 3, Section 308.1.2, Throwing or Placing Sources of Ignition, is deleted and rewritten as follows: "No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, lighters, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire." (c) IFC, Chapter 3, Section 310.8, Hazardous and Environmental Conditions, is deleted and rewritten as follows: "When the fire code official determines that hazardous environmental
- 1. If the hazardous environmental conditions exist in a municipality, the legislative body of the municipality may prohibit the ignition or use of an ignition source in mountainous,

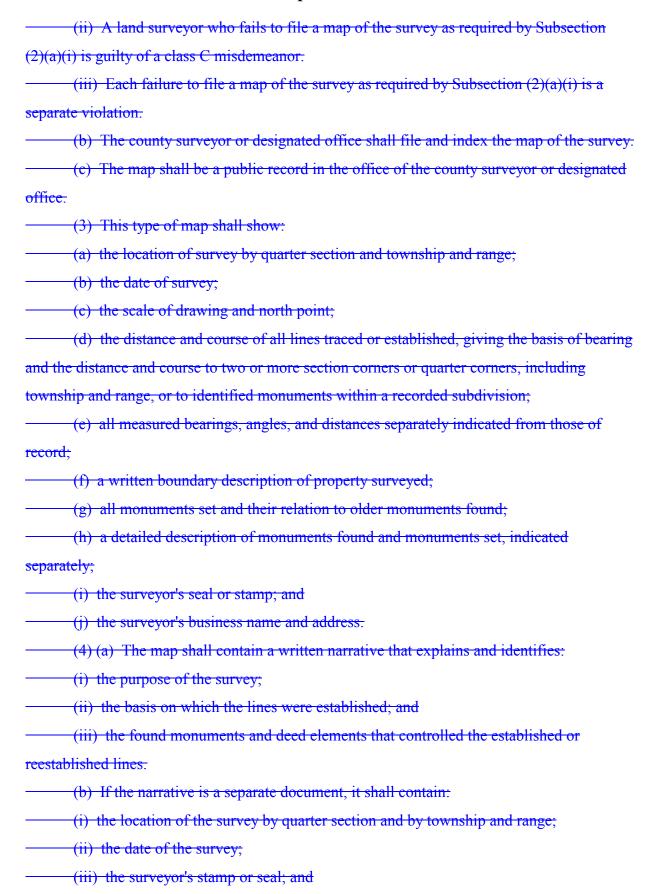
conditions necessitate controlled use of any ignition source, including fireworks, lighters,

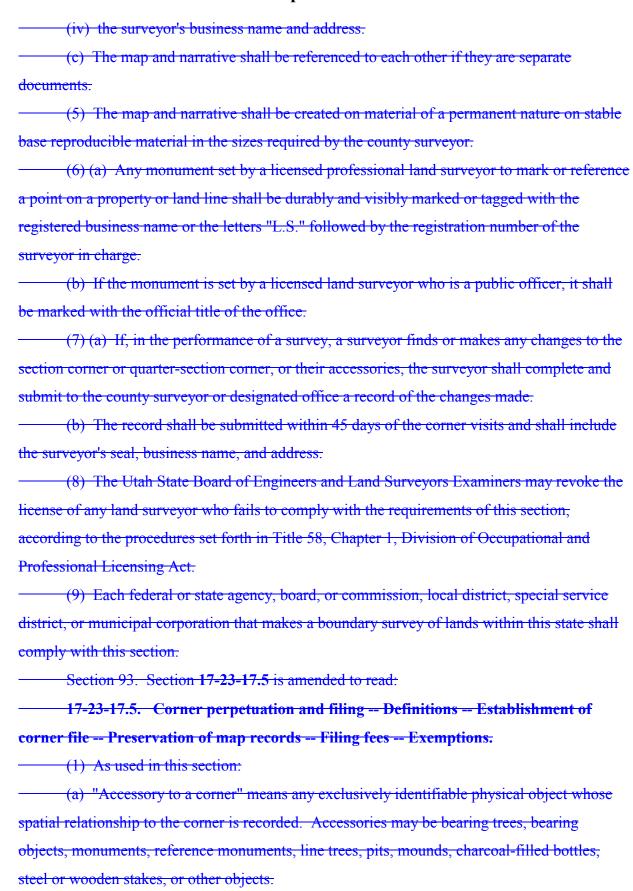
matches, sky lanterns, and smoking materials, any of the following may occur:

brush-covered, or forest-covered areas or the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose.

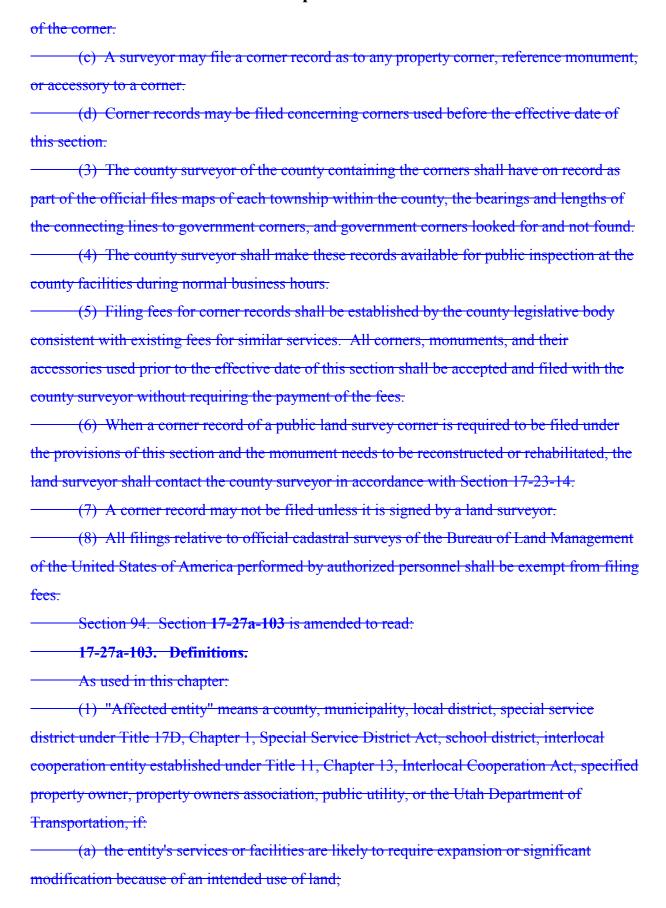
- 2. Except as provided in paragraph 3, if the hazardous environmental conditions exist in an unincorporated area, the state forester may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1 that are within the unincorporated area, after consulting with the county fire code official who has jurisdiction over that area.
- 3. If the hazardous environmental conditions exist in a metro township created under [Section 17-27a-306 that is in a county of the first class, the county] Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, the metro township legislative body may prohibit the ignition or use of an ignition source in all or part of the areas described in paragraph 1 that are within the township."
- (d) IFC, Chapter 3, Section 311.1.1, Abandoned Premises, is amended as follows: On line 10 delete the words "International Property Maintenance Code and the".
- (e) IFC, Chapter 3, Section 311.5, Placards, is amended as follows: On line three delete the word "shall" and replace it with the word "may".
- (f) IFC, Chapter 3, Section 315.2.1, Ceiling Clearance, is amended to add the following: "Exception: Where storage is not directly below the sprinkler heads, storage is allowed to be placed to the ceiling on wall-mounted shelves that are protected by fire sprinkler heads in occupancies meeting classification as light or ordinary hazard."
- (2) IFC, Chapter 4, Emergency Planning and Preparedness:
- (a) IFC, Chapter 4, Section 404.2, Where required, Subsection 8, is amended as follows: After the word "buildings" add "to include sororities and fraternity houses".
- (b) IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:
- (i) "e. Secondary schools in Group E occupancies shall have an emergency evacuation drill for fire conducted at least every two months, to a total of four emergency evacuation drills during the nine-month school year. The first emergency evacuation drill for fire shall be conducted within 10 school days after the beginning of classes, and the third emergency evacuation drill for fire shall be conducted 10 school days after the beginning of the next

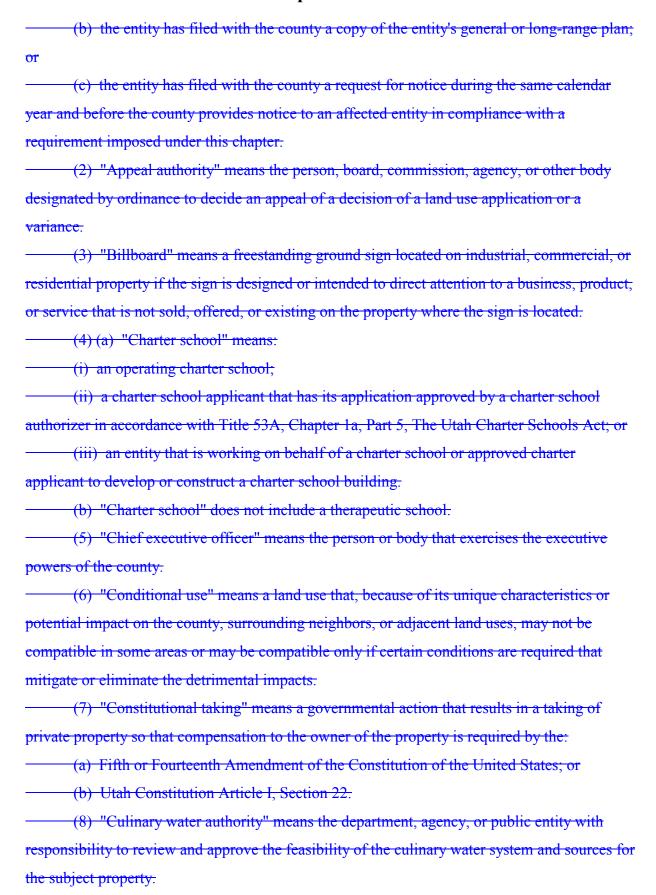


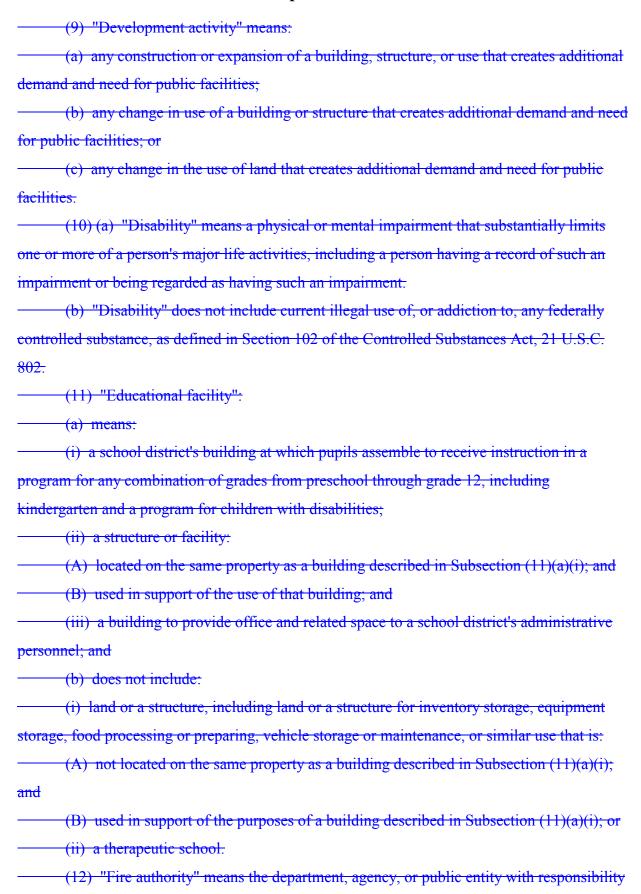




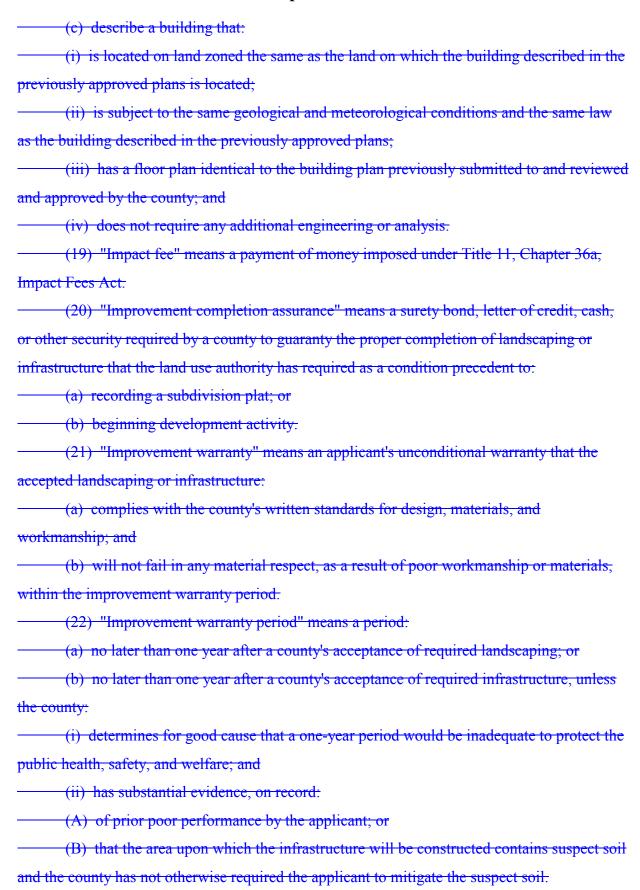
(b) "Corner," unless otherwise qualified, means a property corner, a property controlling corner, a public land survey corner, or any combination of these. (c) "Geographic coordinates" means mathematical values that designate a position on the earth relative to a given reference system. Coordinates shall be established pursuant to Title 57, Chapter 10, Utah Coordinate System. (d) "Land surveyor" means a surveyor who is licensed to practice land surveying in this state in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. (e) "Monument" means an accessory that is presumed to occupy the exact position of a corner. (f) "Property controlling corner" means a public land survey corner or any property corner which does not lie on a property line of the property in question, but which controls the location of one or more of the property corners of the property in question. (g) "Property corner" means a geographic point of known geographic coordinates on the surface of the earth, and is on, a part of, and controls a property line. (h) "Public land survey corner" means any corner actually established and monumented in an original survey or resurvey used as a basis of legal descriptions for issuing a patent for the land to a private person from the United States government. (i) "Reference monument" means a special monument that does not occupy the same geographical position as the corner itself, but whose spatial relationship to the corner is recorded and which serves to witness the corner. (i) "Township" means a term used in the context of identifying a geographic area in common surveyor practice. (ii) "Township" does not mean a metro township as that term is defined in Section <del>10-2a-403.</del> (2) (a) Any land surveyor making a boundary survey of lands within this state and utilizing a corner shall, within 90 days, complete, sign, and file with the county surveyor of the county where the corner is situated, a written record to be known as a corner file for every public land survey corner and accessory to the corner which is used as control in any survey by the surveyor, unless the corner and its accessories are already a matter of record in the county. (b) Where reasonably possible, the corner file shall include the geographic coordinates

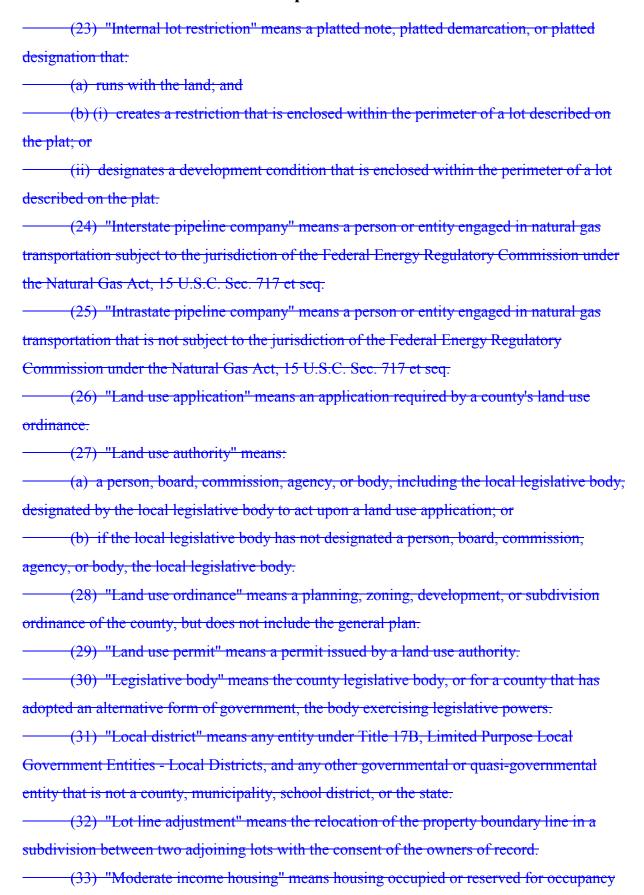


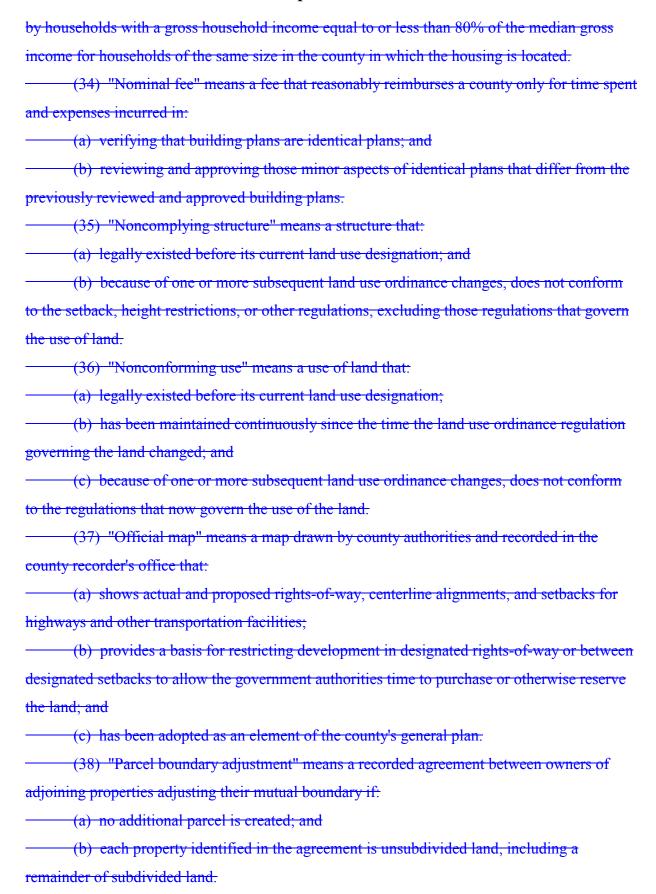


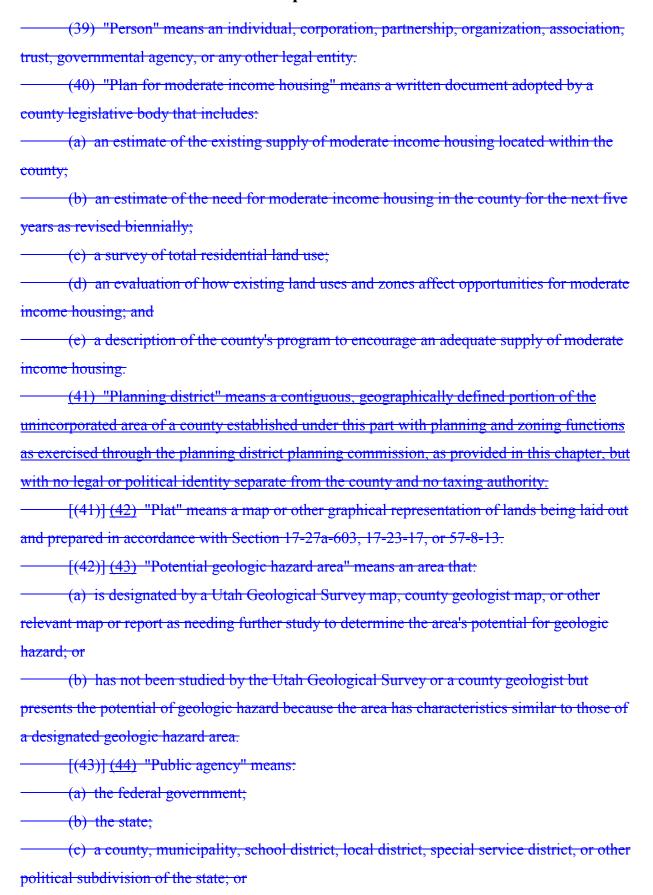


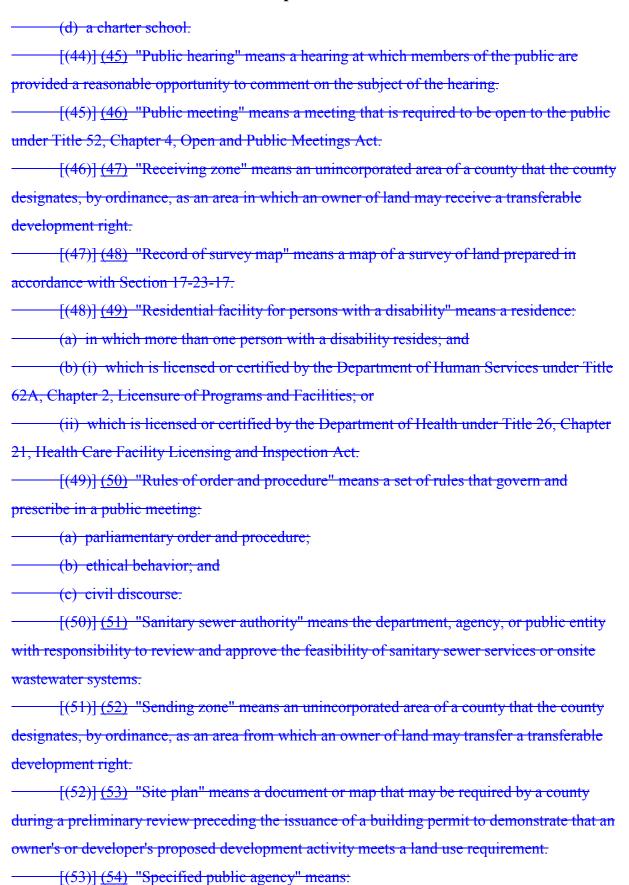
to review and approve the feasibility of fire protection and suppression services for the subject property. (13) "Flood plain" means land that: (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency. (14) "Gas corporation" has the same meaning as defined in Section 54-2-1. (15) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of the unincorporated land within the county. (16) "Geologic hazard" means: (a) a surface fault rupture; (b) shallow groundwater; (c) liquefaction; (d) a landslide; (e) a debris flow; (f) unstable soil; (g) a rock fall; or (h) any other geologic condition that presents a risk: (i) to life; (ii) of substantial loss of real property; or (iii) of substantial damage to real property. (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system. (18) "Identical plans" means building plans submitted to a county that: (a) are clearly marked as "identical plans"; (b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and

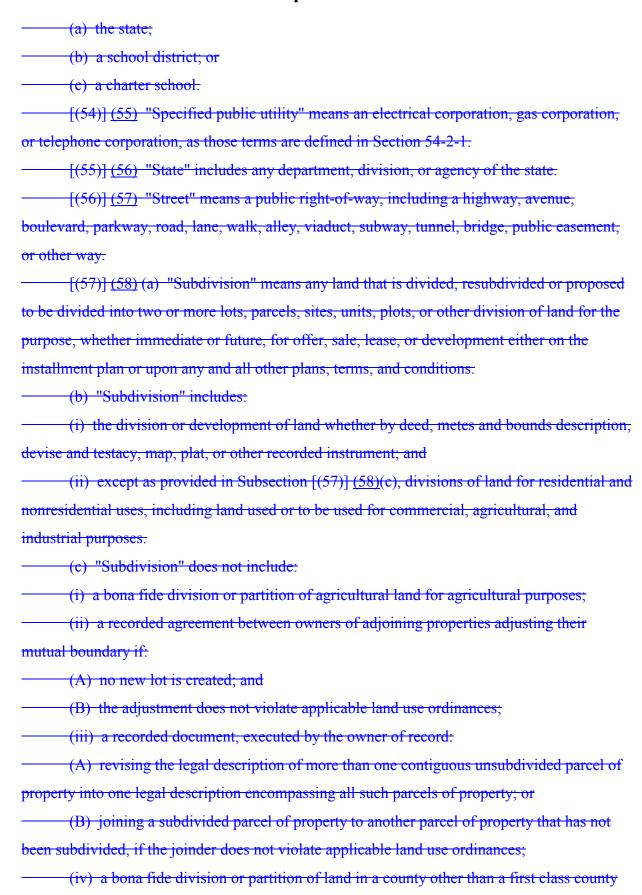




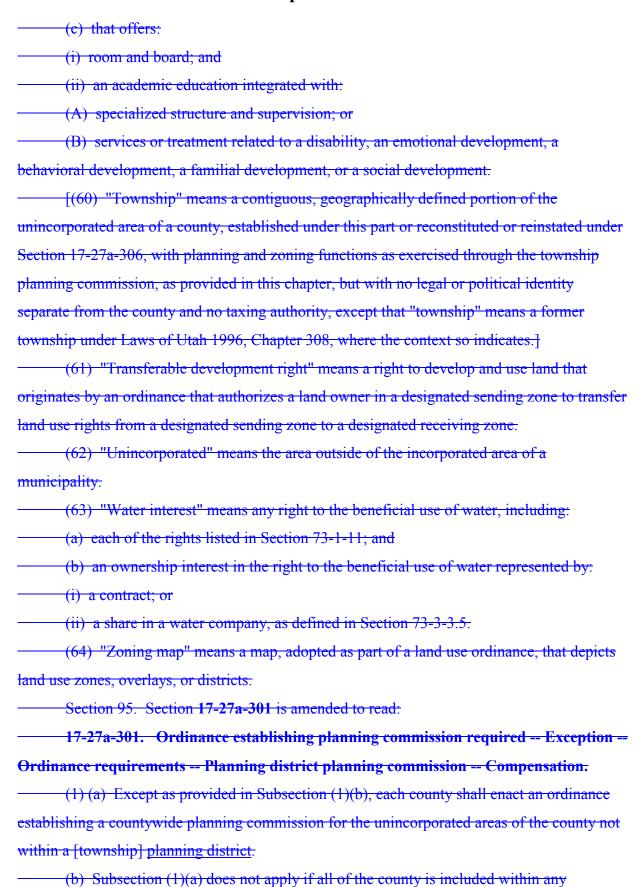


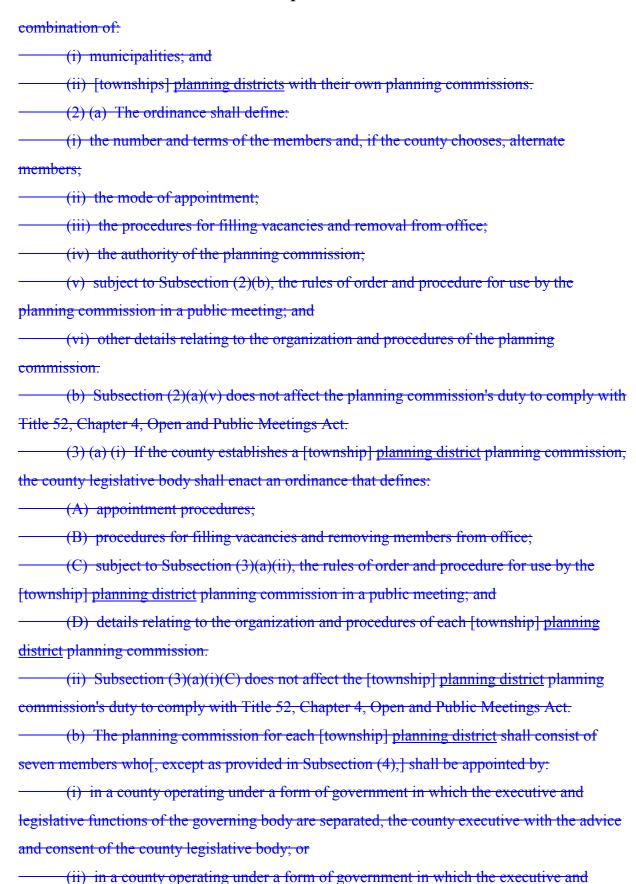




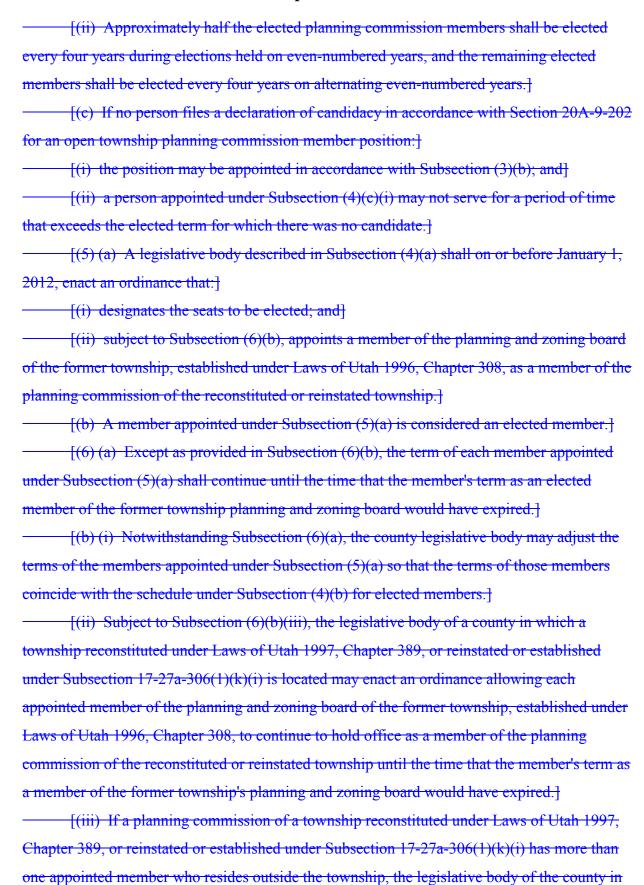


for the purpose of siting, on one or more of the resulting separate parcels:
(A) an electrical transmission line or a substation;
(B) a natural gas pipeline or a regulation station; or
(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
utility service regeneration, transformation, retransmission, or amplification facility;
(v) a recorded agreement between owners of adjoining subdivided properties adjusting
their mutual boundary if:
(A) no new dwelling lot or housing unit will result from the adjustment; and
(B) the adjustment will not violate any applicable land use ordinance;
(vi) a bona fide division or partition of land by deed or other instrument where the lan
use authority expressly approves in writing the division in anticipation of further land use
approvals on the parcel or parcels; or
(vii) a parcel boundary adjustment.
(d) The joining of a subdivided parcel of property to another parcel of property that ha
not been subdivided does not constitute a subdivision under this Subsection [(57)] (58) as to
the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
subdivision ordinance.
[(58)] (59) "Suspect soil" means soil that has:
(a) a high susceptibility for volumetric change, typically clay rich, having more than a
3% swell potential;
(b) bedrock units with high shrink or swell susceptibility; or
(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
commonly associated with dissolution and collapse features.
[(59)] (60) "Therapeutic school" means a residential group living facility:
(a) for four or more individuals who are not related to:
(i) the owner of the facility; or
(ii) the primary service provider of the facility;
(b) that serves students who have a history of failing to function:
<del>(i) at home;</del>
(ii) in a public school; or
(iii) in a nonresidential private school: and



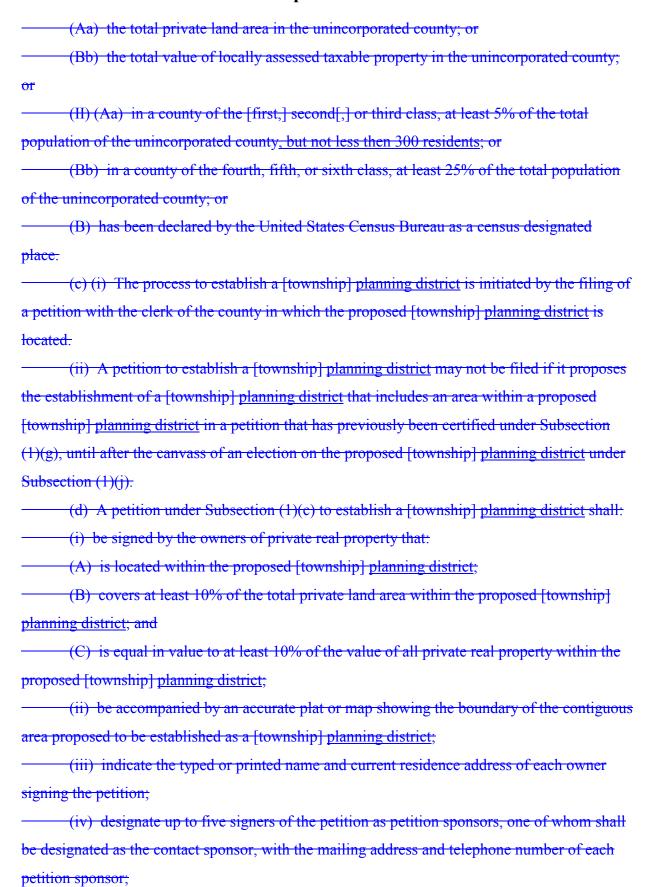


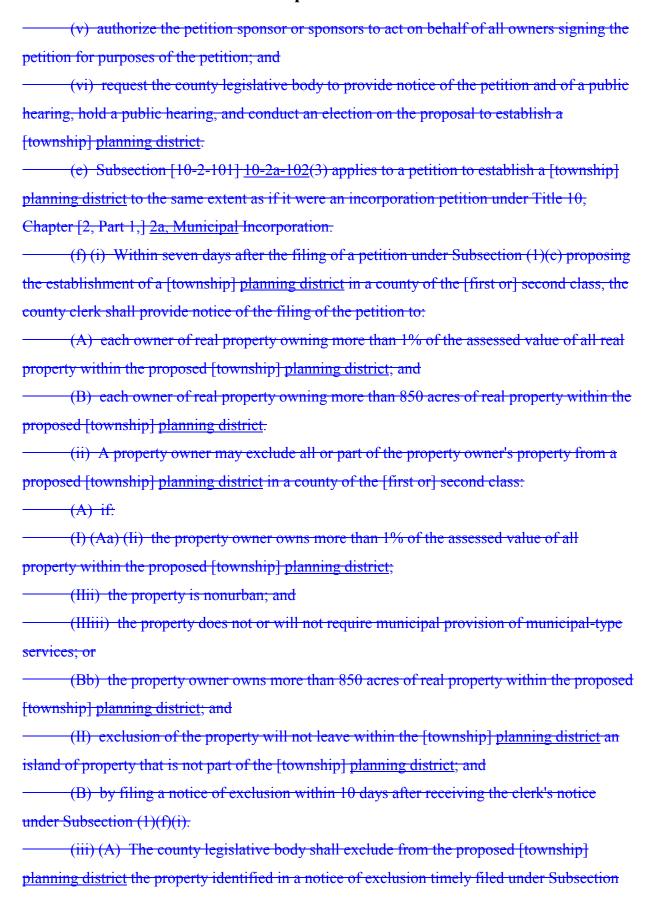
legislative functions of the governing body are not separated, the county legislative body. (c) (i) Members shall serve four-year terms and until their successors are appointed for, as provided in Subsection (4), elected] and qualified. (ii) Notwithstanding the provisions of Subsection (3)(c)(i) [and except as provided in Subsection (4)], members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each <del>year.</del> (d) (i) [Except as provided in Subsection (3)(d)(ii), each] Each member of a [township] planning district planning commission shall be a registered voter residing within the [township] planning district. f(ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter residing outside the township if that member: [(I) is an owner of real property located within the township; and] [(II) resides within the county in which the township is located.] (B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township planning commission from a list of three persons submitted by the county legislative body.] [(II) If the township planning commission has not notified the county legislative body of its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning commission's receipt of the list, the county legislative body may appoint one of the three persons on the list or a registered voter residing within the township as a member of the township planning commission.] (4) (a) The legislative body of each county in which a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(k)(i) is located shall on or before January 1, 2012, enact an ordinance that provides for the election of at least three members of the planning commission of that township.] - (b) (i) Beginning with the 2012 general election, the election of planning commission members under Subsection (4)(a) shall coincide with the election of other county officers during even-numbered years.]

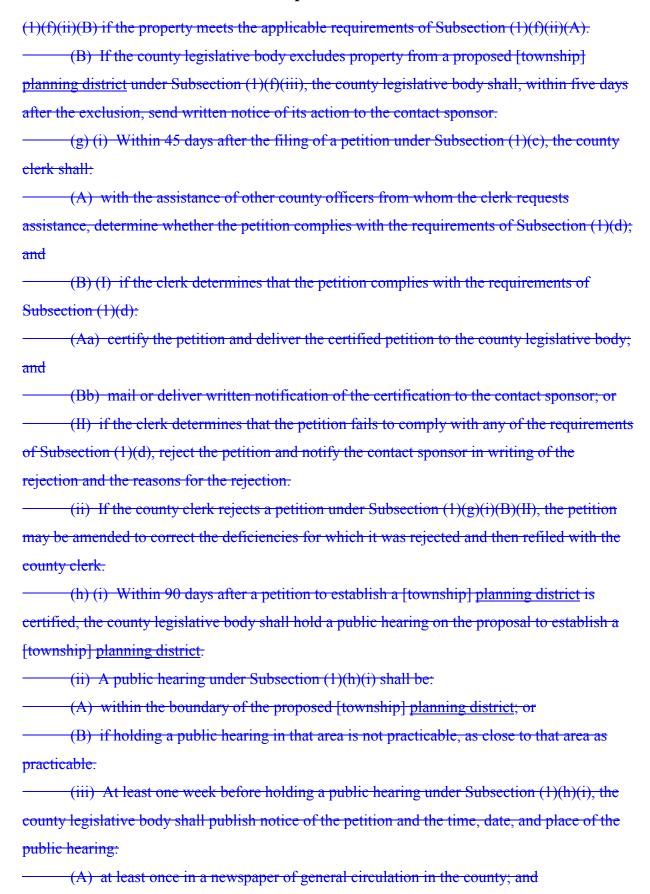


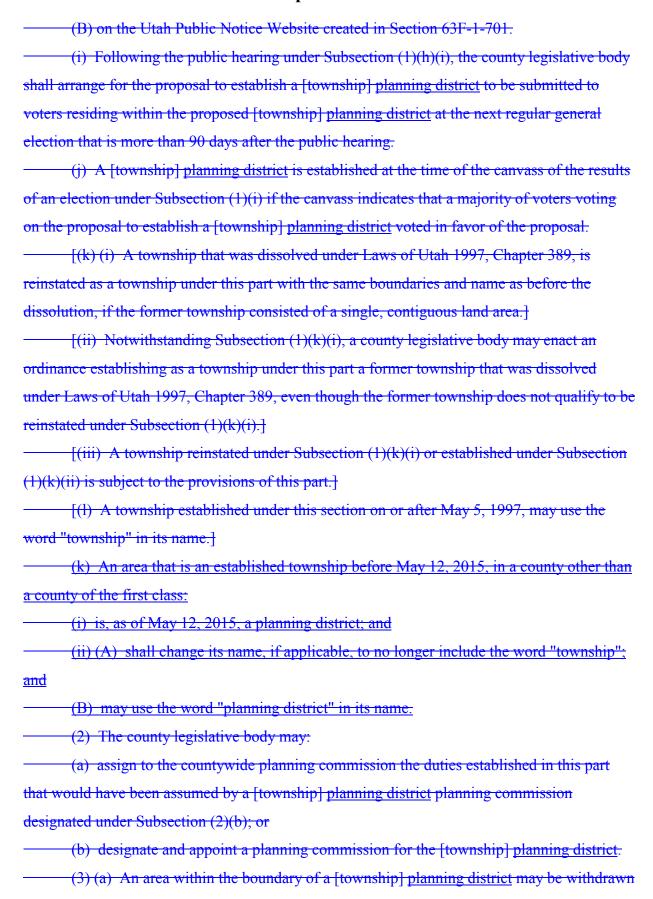
which that township is located shall, within 15 days of the effective date of this Subsection (6)(b)(iii), dismiss all but one of the appointed members who reside outside the township, and a new member shall be appointed under Subsection (3)(b) to fill the position of each dismissed member.] f(7) (a) Except as provided in Subsection (7)(b), upon (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning district. (4) (a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected. (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant seat shall be filled by appointment in accordance with this section. (5) Upon the appointment [or election] of all members of a [township] planning district planning commission, each [township] planning district planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or [township] planning district planning and zoning board. (b) Notwithstanding Subsection (7)(a), if the members of a former township planning and zoning board continue to hold office as members of the planning commission of the township planning district under an ordinance enacted under Subsection (5)(a), the township planning commission shall immediately begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that had previously been under the jurisdiction of the township planning and zoning board.] [(8)] (6) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended. Section 96. Section 17-27a-302 is amended to read: 17-27a-302. Planning commission powers and duties. [(1)] Each countywide or [township] planning district planning commission shall, with respect to the unincorporated area of the county[,] or the [township] planning district, make a

recommendation to the county legislative body for:
[(a)] (1) a general plan and amendments to the general plan;
[(b)] (2) land use ordinances, zoning maps, official maps, and amendments;
[(c)] (3) an appropriate delegation of power to at least one designated land use
authority to hear and act on a land use application;
[(d)] (4) an appropriate delegation of power to at least one appeal authority to hear and
act on an appeal from a decision of the land use authority; and
[(e)] (5) application processes that:
[(i)] (a) may include a designation of routine land use matters that, upon application
and proper notice, will receive informal streamlined review and action if the application is
uncontested; and
[(ii)] (b) shall protect the right of each:
[(A)] (i) applicant and third party to require formal consideration of any application by
a land use authority;
[(B)] (ii) applicant, adversely affected party, or county officer or employee to appeal a
land use authority's decision to a separate appeal authority; and
[(C)] (iii) participant to be heard in each public hearing on a contested application.
[(2) The planning commission of a township under this part may recommend to the
legislative body of the county in which the township is located that the legislative body file a
protest to a proposed annexation of an area located within the township, as provided in
Subsection 10-2-407(1)(b).]
Section 97. Section 17-27a-306 is amended to read:
17-27a-306. Planning districts.
(1) (a) A [township] planning district may be established in a county other than a
county of the first class as provided in this Subsection (1).
(b) A [township] planning district may not be established unless the area to be included
within the proposed [township] planning district:
——————————————————————————————————————
(ii) is contiguous; and
(iii) (A) contains:
(I) at least 20% but not more than 80% of:

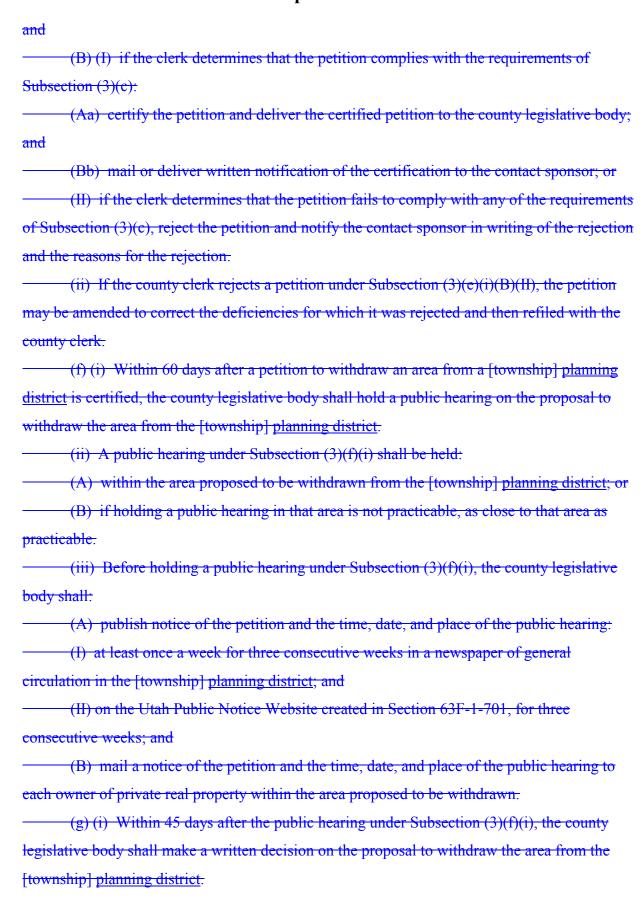


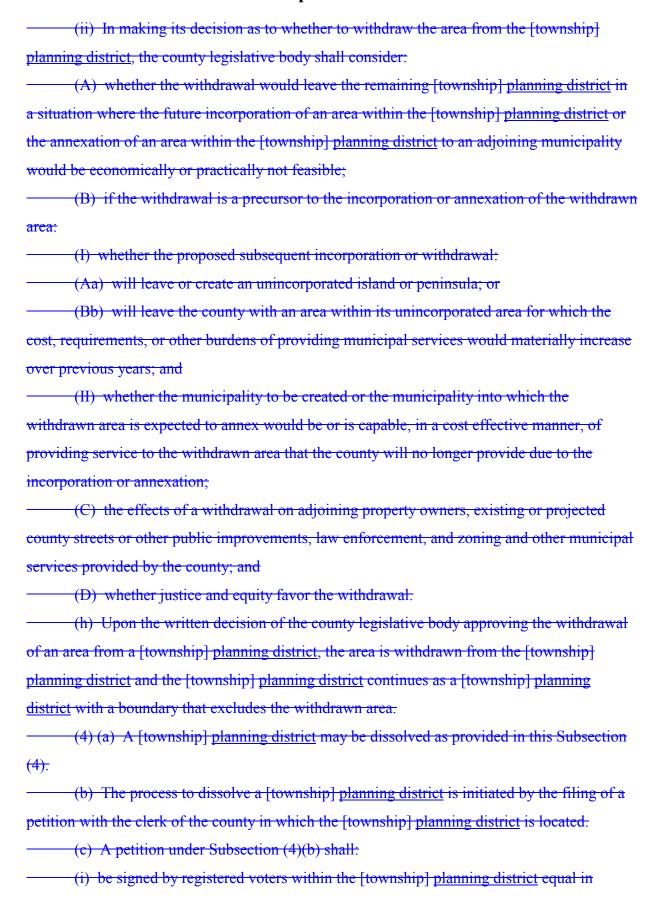






from the [township] planning district as provided in this Subsection (3). (b) The process to withdraw an area from a [township] planning district is initiated by the filing of a petition with the clerk of the county in which the [township] planning district is located. (c) A petition under Subsection (3)(b) shall: (i) be signed by the owners of private real property that: (A) is located within the area proposed to be withdrawn from the [township] planning district: (B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the [township] planning district; and (C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the [township] planning district; (ii) state the reason or reasons for the proposed withdrawal; (iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the [township] planning district; (iv) indicate the typed or printed name and current residence address of each owner signing the petition; (v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor; (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and (vii) request the county legislative body to withdraw the area from the [township] planning district. (d) Subsection [10-2-101] 10-2a-102(3) applies to a petition to withdraw an area from a [township] planning district to the same extent as if it were an incorporation petition under Title 10, Chapter [2, Part 1,] 2a, Municipal Incorporation. (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall: (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c);



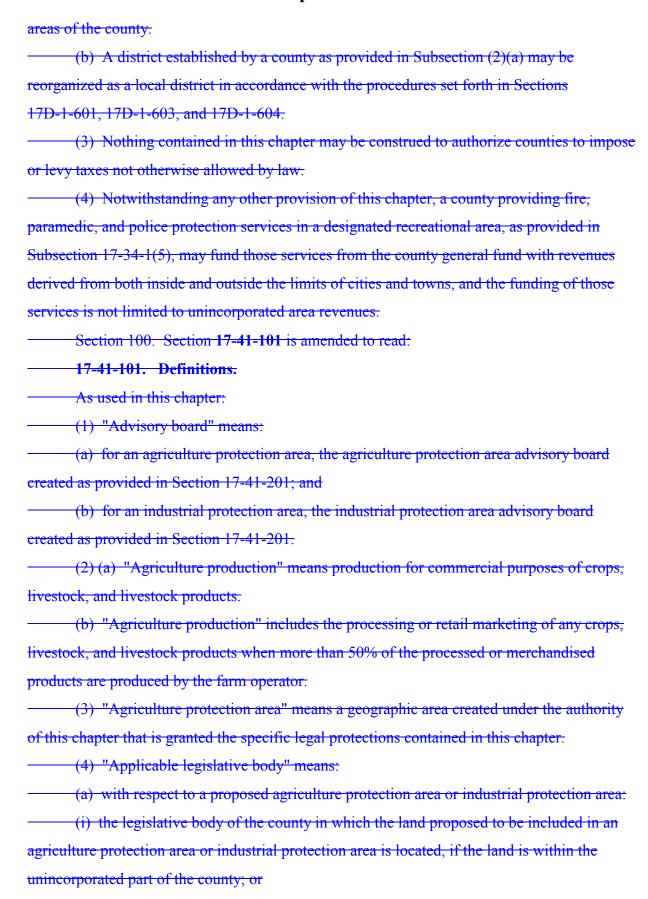


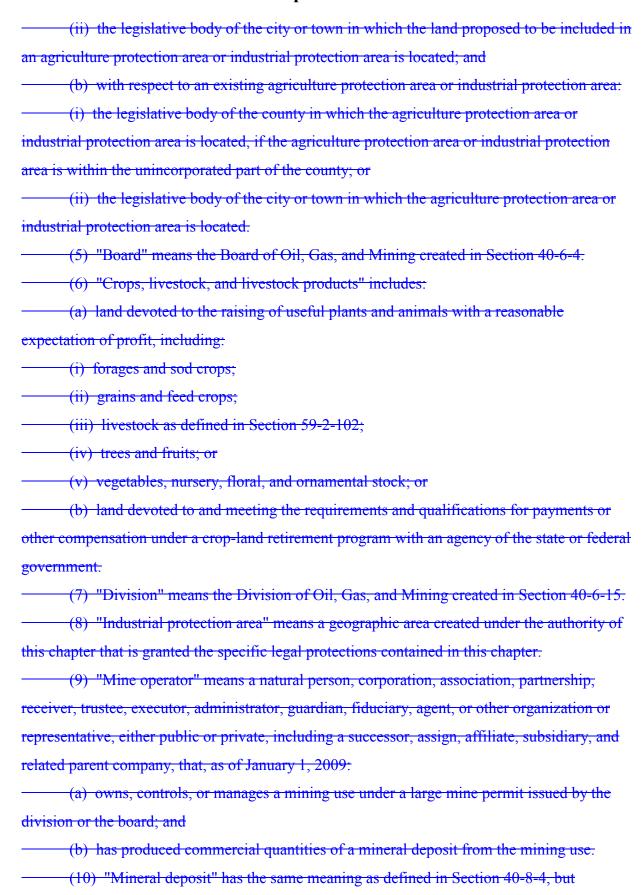
number to at least 25% of all votes cast by voters within the [township] planning district at the last congressional election; (ii) state the reason or reasons for the proposed dissolution; (iii) indicate the typed or printed name and current residence address of each person signing the petition; (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor; (v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the [township] planning district. (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall: (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and (B) (I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c): (Aa) certify the petition and deliver the certified petition to the county legislative body; and (Bb) mail or deliver written notification of the certification to the contact sponsor; or (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection. (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk. (e) (i) Within 60 days after a petition to dissolve the [township] planning district is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the

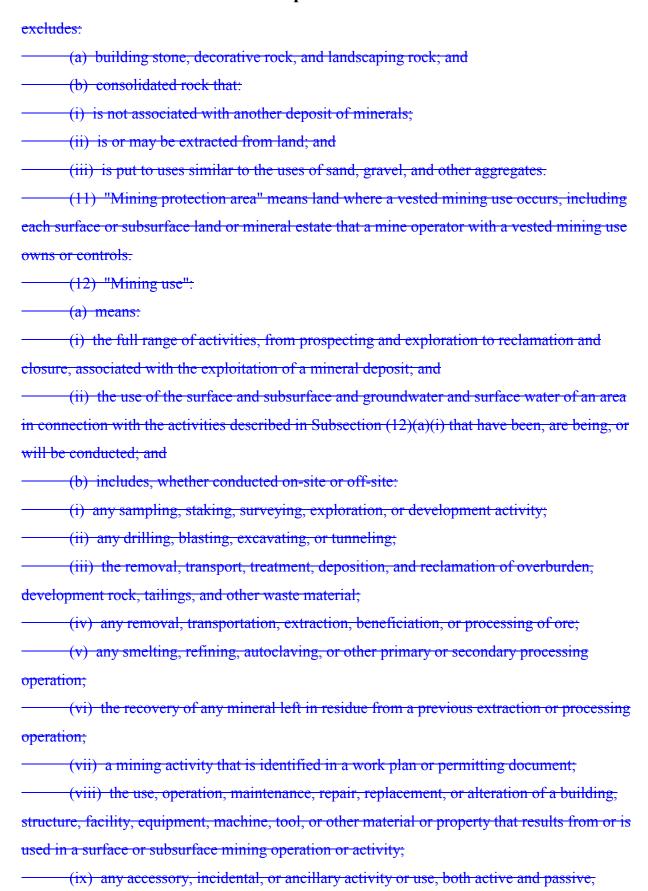
[township] planning district.
(ii) A public hearing under Subsection (4)(e)(i) shall be held:
(A) within the boundary of the [township] planning district; or
(B) if holding a public hearing in that area is not practicable, as close to that area as
<del>practicable.</del>
(iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
body shall publish notice of the petition and the time, date, and place of the public hearing:
(A) at least once a week for three consecutive weeks in a newspaper of general
circulation in the [township] planning district; and
(B) on the Utah Public Notice Website created in Section 63F-1-701, for three
consecutive weeks immediately before the public hearing.
(f) Following the public hearing under Subsection (4)(e)(i), the county legislative bod
shall arrange for the proposal to dissolve the [township] planning district to be submitted to
voters residing within the [township] planning district at the next regular general election that
is more than 90 days after the public hearing.
(g) A [township] planning district is dissolved at the time of the canvass of the results
of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting
on the proposal to dissolve the [township] planning district voted in favor of the proposal.
Section 98. Section 17-27a-505 is amended to read:
17-27a-505. Zoning districts.
(1) (a) The legislative body may divide the territory over which it has jurisdiction into
zoning districts of a number, shape, and area that it considers appropriate to carry out the
purposes of this chapter.
(b) Within those zoning districts, the legislative body may regulate and restrict the
erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and
the use of land.
(c) A county may enact an ordinance regulating land use and development in a flood
plain or potential geologic hazard area to:
(i) protect life; and
——————————————————————————————————————
(A) the substantial loss of real property: or

(B) substantial damage to real property. (d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling disturbance area unless the property is located in a flood zone or geologic hazard except as required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water pollution. (2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones. (3) (a) There is no minimum area or diversity of ownership requirement for a zone designation. (b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision. Section 99. Section 17-34-3 is amended to read: 17-34-3. Taxes or service charges. (1) (a) If a county furnishes the municipal-type services and functions described in Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the entire cost of the services or functions so furnished shall be defrayed from funds that the county has derived from: (i) taxes that the county may lawfully levy or impose outside the limits of incorporated towns or cities; (ii) service charges or fees the county may impose upon the persons benefited in any way by the services or functions; or (iii) a combination of these sources. (b) As the taxes or service charges or fees are levied and collected, they shall be placed in a special revenue fund of the county and shall be disbursed only for the rendering of the services or functions established in Section 17-34-1 within the unincorporated areas of the county or as provided in Subsection [10-2-121] 10-2a-219(2). (2) (a) For the purpose of levying taxes, service charges, or fees provided in this

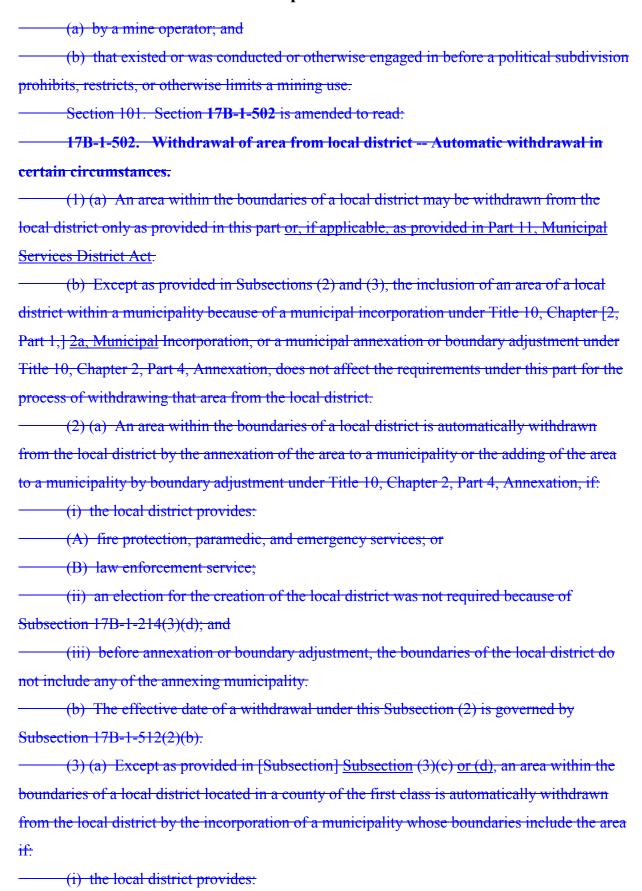
section, the county legislative body may establish a district or districts in the unincorporated

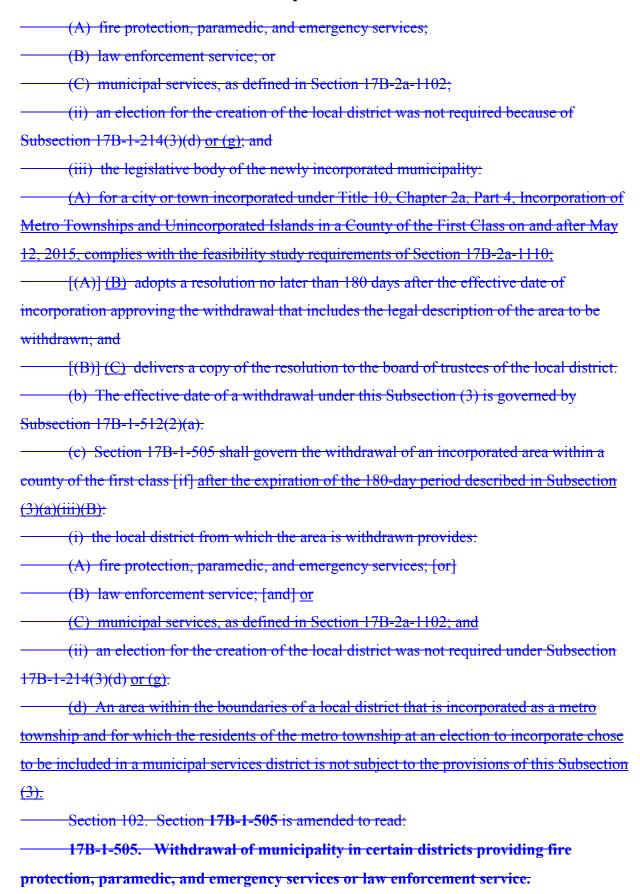


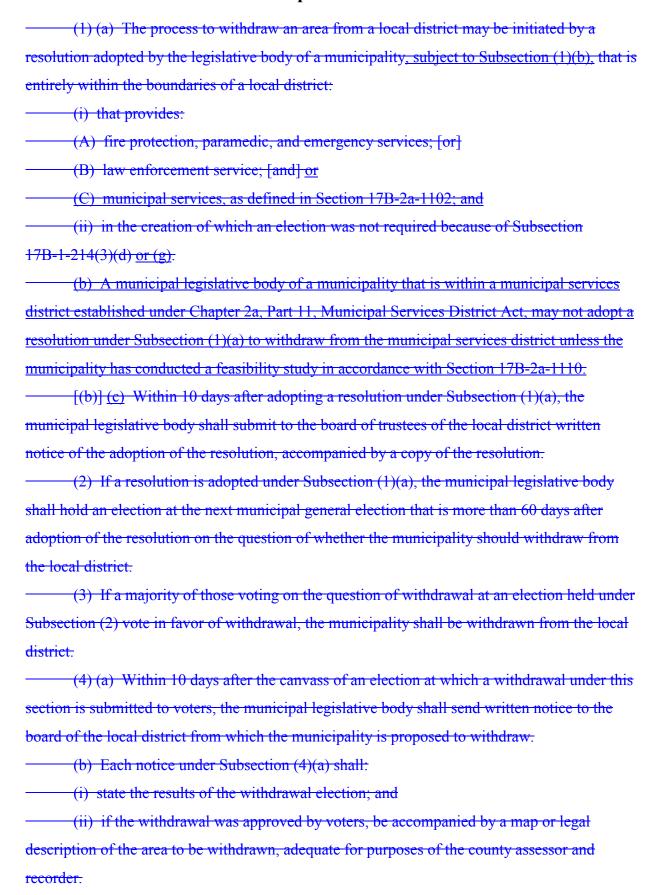


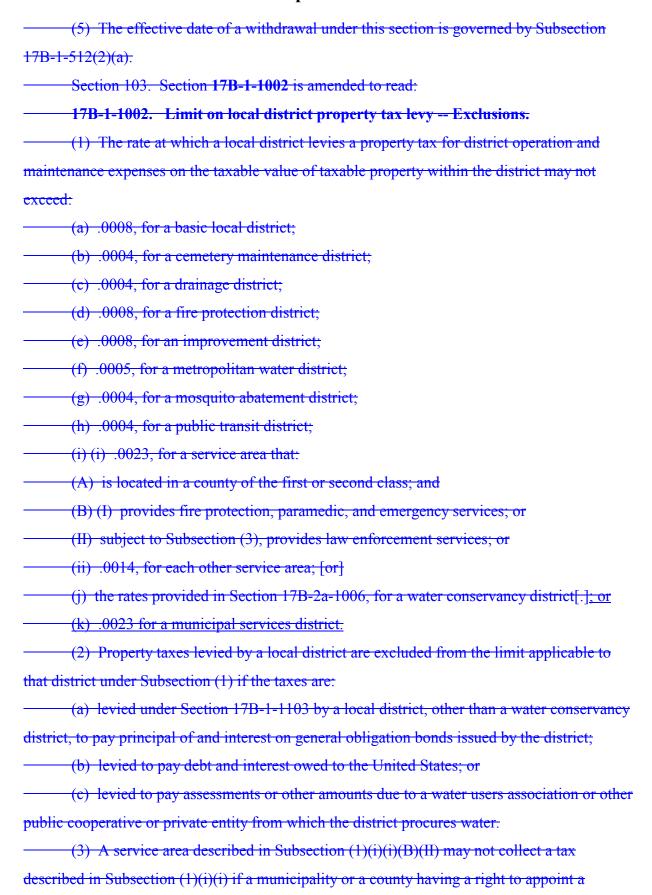


including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and power production facility; (x) the construction of a storage, factory, processing, or maintenance facility; and (xi) any activity described in Subsection 40-8-4(14)(a). (13) (a) "Municipal" means of or relating to a city or town. (b) "Municipality" means a city or town. (14) "New land" means surface or subsurface land or mineral estate that a mine operator gains ownership or control of, whether or not that land or mineral estate is included in the mine operator's large mine permit. (15) "Off-site" has the same meaning as provided in Section 40-8-4. (16) "On-site" has the same meaning as provided in Section 40-8-4. (17) "Planning commission" means: (a) a countywide planning commission if the land proposed to be included in the agriculture protection area or industrial protection area is within the unincorporated part of the county and not within a [township] planning district; (b) a [township] planning district planning commission if the land proposed to be included in the agriculture protection area or industrial protection area is within a [township] planning district; or (c) a planning commission of a city or town if the land proposed to be included in the agriculture protection area or industrial protection area is within a city or town. (18) "Political subdivision" means a county, city, town, school district, local district, or special service district. (19) "Proposal sponsors" means the owners of land in agricultural production or industrial use who are sponsoring the proposal for creating an agriculture protection area or industrial protection area, respectively. (20) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state. (21) "Unincorporated" means not within a city or town. (22) "Vested mining use" means a mining use:



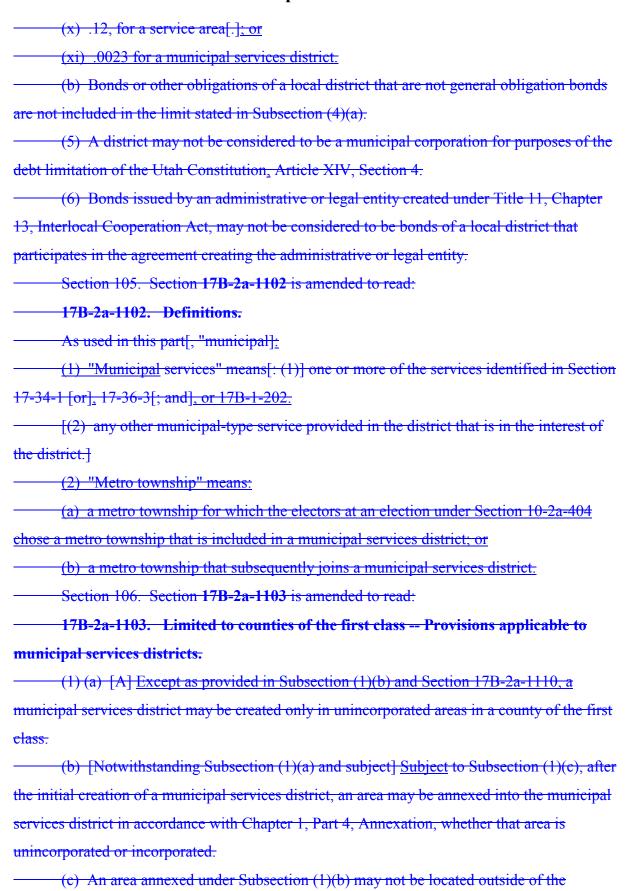


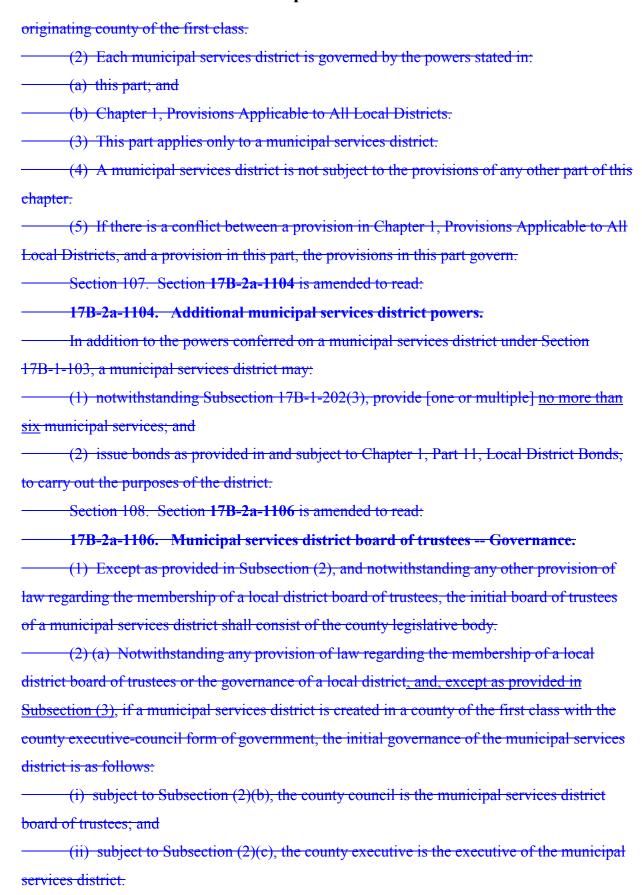


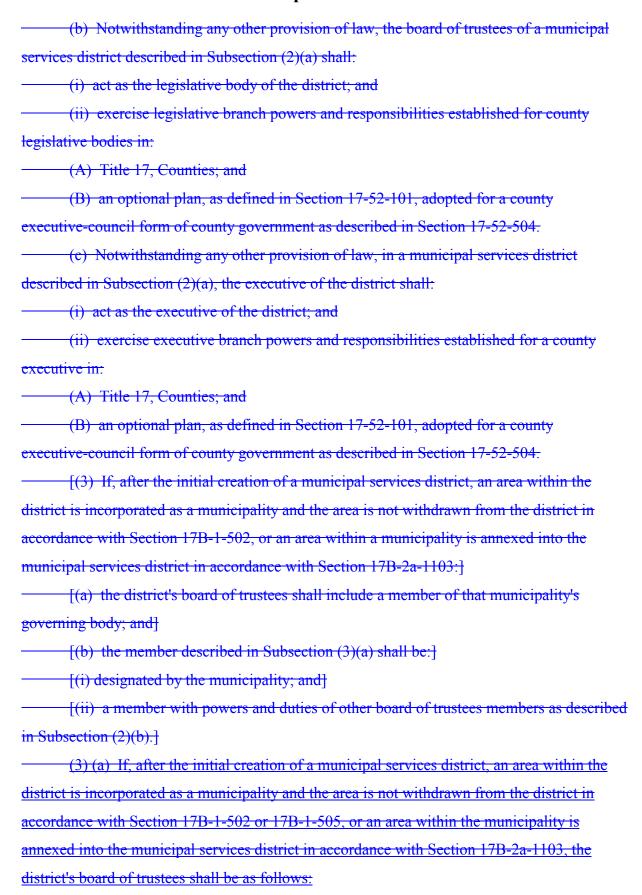


member to the board of trustees of the service area under Subsection 17B-2a-905(2) assesses

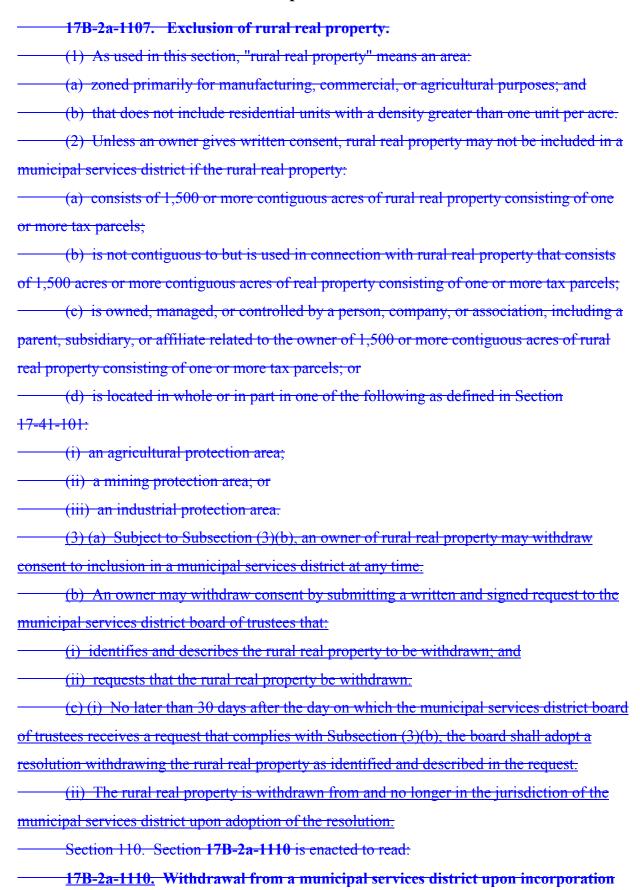
on or after November 30 in the year in which the tax is first collected and each subsequent year that the tax is collected: (a) a generally assessed fee imposed under Section 17B-1-643 for law enforcement services; or (b) any other generally assessed fee for law enforcement services. Section 104. Section 17B-1-1102 is amended to read: 17B-1-1102. General obligation bonds. (1) Except as provided in Subsection (3), if a district intends to issue general obligation bonds, the district shall first obtain the approval of district voters for issuance of the bonds at an election held for that purpose as provided in Title 11, Chapter 14, Local Government Bonding Act. (2) General obligation bonds shall be secured by a pledge of the full faith and credit of the district, subject, for a water conservancy district, to the property tax levy limits of Section <del>17B-2a-1006.</del> (3) A district may issue refunding general obligation bonds, as provided in Title 11, Chapter 27, Utah Refunding Bond Act, without obtaining voter approval. (4) (a) A local district may not issue general obligation bonds if the issuance of the bonds will cause the outstanding principal amount of all of the district's general obligation bonds to exceed the amount that results from multiplying the fair market value of the taxable property within the district, as determined under Subsection 11-14-301(3)(b), by a number that is: (i) .05, for a basic local district; (ii) .004, for a cemetery maintenance district; (iii) .002, for a drainage district; (iv) .004, for a fire protection district; (v) .024, for an improvement district; (vi) .1, for an irrigation district; (vii) .1, for a metropolitan water district; (viii) .0004, for a mosquito abatement district; (ix) .03, for a public transit district; [or]







(i) subject to Subsection (3)(b), a member of that municipality's governing body; (ii) subject to Subsection (4), two members of the county council of the county in which the municipal services district is located; and (iii) the total number of board members shall be an odd number. (b) A member described in Subsection (3)(a)(i) shall be: (i) for a municipality other than a metro township, designated by the municipal legislative body; and (ii) for a metro township, the chair of the metro township. (c) A member of the board of trustees has the powers and duties described in Subsection (2)(b). (d) The county executive is the executive and has the powers and duties as described in Subsection (2)(c). (4) (a) The number of county council members may be increased or decreased to meet the membership requirements of Subsection (3)(a)(iii) but may not be less than one. (b) The number of county council members described in Subsection (3)(a)(ii) does not include the county mayor. (5) For a board of trustees described in Subsection (3), each board member's vote is weighted using the proportion of the municipal services district population that resides: (a) for each member described in Subsection (3)(a)(i), within that member's municipality; and (b) for each member described in Subsection (3)(a)(ii), within the unincorporated county, with the members' weighted vote divided evenly if there is more than one member on the board described in Subsection (3)(a)(ii). [(4)] (6) The board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306. [(5)] (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may adopt a resolution to determine the internal governance of the board. (b) A resolution adopted under Subsection [(5)] (7)(a) may not alter or impair the board of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's duties, powers, or responsibilities described in Subsection (2)(c). Section 109. Section 17B-2a-1107 is amended to read:

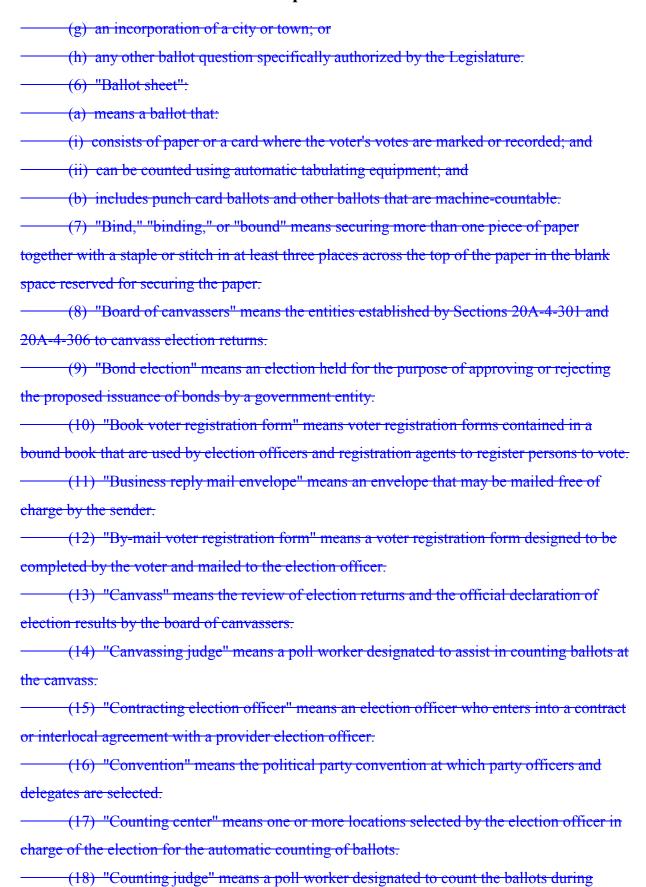


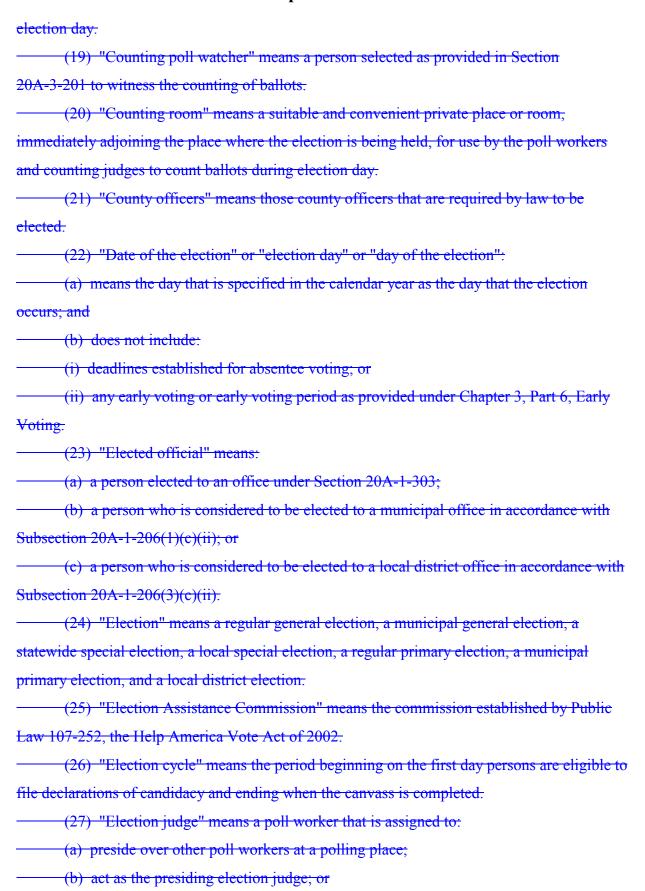
-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues transferred to municipal services district. (1) A municipality may withdraw from a municipal services district in accordance with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section. (b) If a municipality engages a feasibility consultant to conduct a feasibility study under Section (2)(a), the 180 days described in Subsection 17B-1-502(3)(a)(iii)(A) is tolled from the day that the municipality engages the feasibility consultant to the day on which the municipality holds the final public hearing under Subsection (5). (2) (a) If a municipality decides to withdraw from a municipal services district, the municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study. (b) The feasibility consultant shall be chosen: (i) by the municipal legislative body; and (ii) in accordance with applicable municipal procurement procedures. (3) The municipal legislative body shall require the feasibility consultant to: (a) complete the feasibility study and submit the written results to the municipal legislative body before the council adopts a resolution under Section 17B-1-502; (b) submit with the full written results of the feasibility study a summary of the results no longer than one page in length; and (c) attend the public hearings under Subsection (5). (4) (a) The feasibility study shall consider: (i) population and population density within the withdrawing municipality; (ii) current and five-year projections of demographics and economic base in the withdrawing municipality, including household size and income, commercial and industrial development, and public facilities; (iii) projected growth in the withdrawing municipality during the next five years; (iv) subject to Subsection (4)(b), the present and five-year projections of the cost, including overhead, of municipal services in the withdrawing municipality; (v) assuming the same tax categories and tax rates as currently imposed by the municipal services district and all other current service providers, the present and five-year projected revenue for the withdrawing municipality;

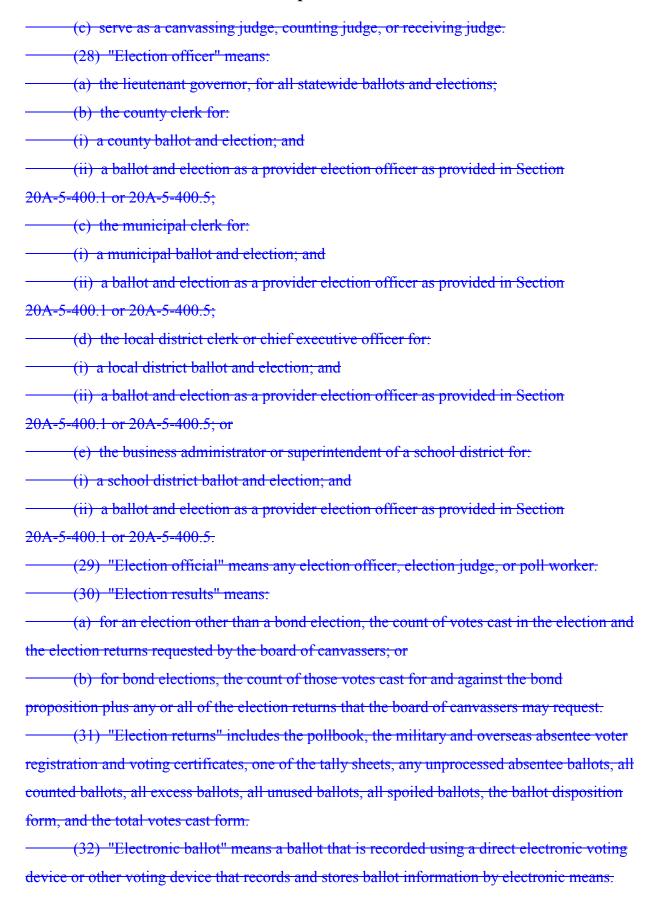
(vi) a projection of any new taxes per household that may be levied within the withdrawing municipality within five years of the withdrawal; and (vii) the fiscal impact on other municipalities serviced by the municipal services district. (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a level and quality of municipal services to be provided to the withdrawing municipality in the future that fairly and reasonably approximate the level and quality of municipal services being provided to the withdrawing municipality at the time of the feasibility study. (ii) In determining the present cost of a municipal service, the feasibility consultant shall consider: (A) the amount it would cost the withdrawing municipality to provide municipal services for the first five years after withdrawing; and (B) the municipal services district's present and five-year projected cost of providing municipal services. (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation and anticipated growth. (5) If the results of the feasibility study meet the requirements of Subsection (4), the municipal legislative body council shall, at its next regular meeting after receipt of the results of the feasibility study, schedule at least one public hearing to be held: (a) within the following 60 days; and (b) for the purpose of allowing: (i) the feasibility consultant to present the results of the study; and (ii) the public to become informed about the feasibility study results, including the requirement that if the municipality withdraws from the municipal services district, the municipality must comply with Subsection (9), and to ask questions about those results of the feasibility consultant. (6) At a public hearing described in Subsection (5), the municipal legislative body shall: (a) provide a copy of the feasibility study for public review; and (b) allow the public to express its views about the proposed withdrawal from the municipal services district.

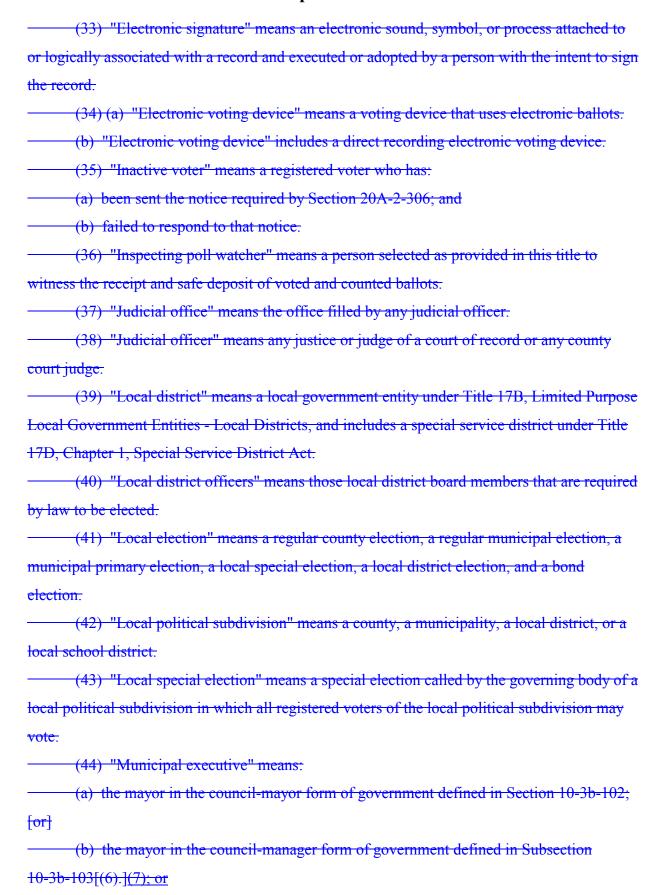
(7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings required under Subsection (5): (A) at least once a week for three successive weeks in a newspaper of general circulation within the municipality; and (B) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks. (ii) The municipal clerk or recorder shall publish the last publication of notice required under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under Subsection (5). (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation within the proposed municipality, the municipal clerk or recorder shall post at least one notice of the hearings per 1,000 population in conspicuous places within the municipality that are most likely to give notice of the hearings to the residents. (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at least seven days before the first hearing under Subsection (5). (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study summary and shall indicate that a full copy of the study is available for inspection and copying at the office of the municipal clerk or recorder. (8) At a public meeting held after the public hearing required under Subsection (5), the municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as applicable, if the municipality is in compliance with the other requirements of that section. (9) The municipality shall pay revenues in excess of 5% to the municipal services district for 10 years beginning on the next fiscal year immediately following the municipal legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502 or 17B-1-505 if the results of the feasibility study show that the average annual amount of revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection (4)(a)(iv) by more than 5%. Section 111. Section 17B-2a-1111 is enacted to read: <u>17B-2a-1111.</u> Withdrawal of a municipality that changes form of government. If a municipality after the 180-day period described in Subsection 17B-1-502(3)(a)(iii)(A) changes form of government in accordance with Title 10. Chapter 2b. Part 6, Changing to Another Form of Municipal Government, the municipality under the new

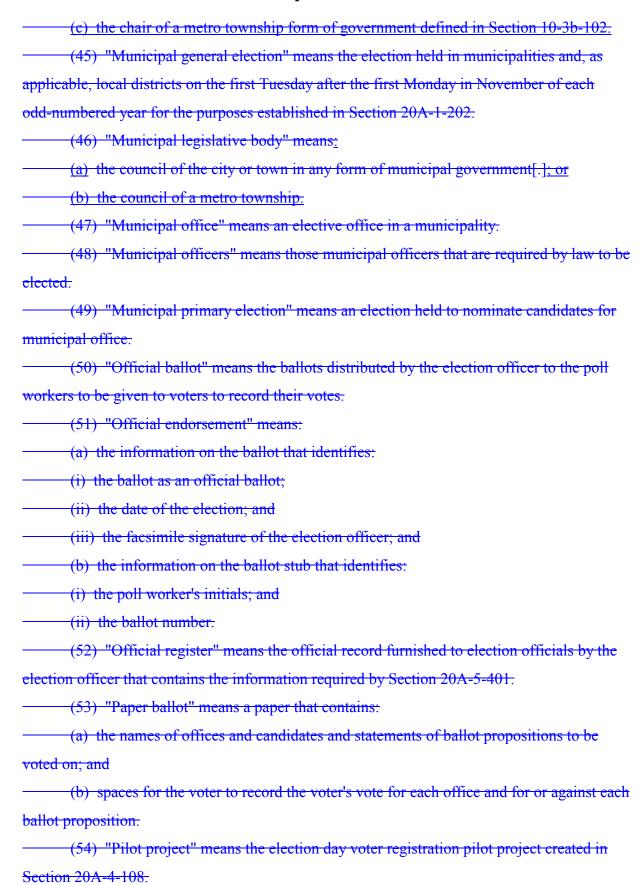
form of government may withdraw from a municipal services district only in accordance with the provisions of Section 17B-1-505. Section 112. Section 17B-2a-1112 is enacted to read: 17B-2a-1112. Audit. The board of trustees shall provide a copy of an accounting report, as defined in Section 51-2a-102, to each political subdivision that is provided municipal services by the municipal services district that is filed with the state auditor on behalf of the municipal services district in accordance with Section 51-2a-203. Section 113. Section 20A-1-102 is amended to read: 20A-1-102. Definitions. As used in this title: (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk. (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results. (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes. (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes. (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that: (a) contain the names of offices and candidates and statements of ballot propositions to be voted on: and (b) are used in conjunction with ballot sheets that do not display that information. (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including: (a) an opinion question specifically authorized by the Legislature; (b) a constitutional amendment; (c) an initiative; (d) a referendum; (e) a bond proposition; (f) a judicial retention question;

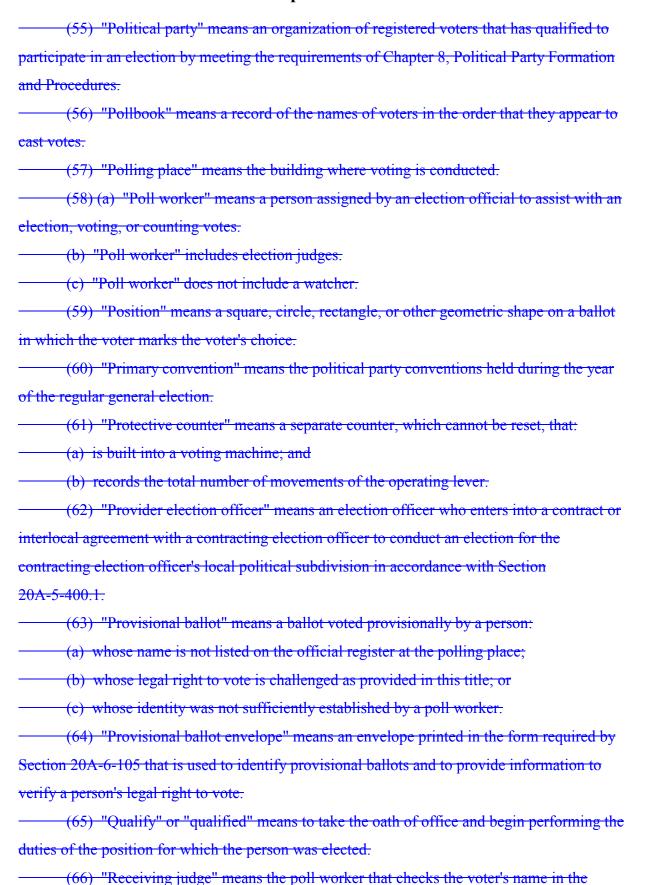




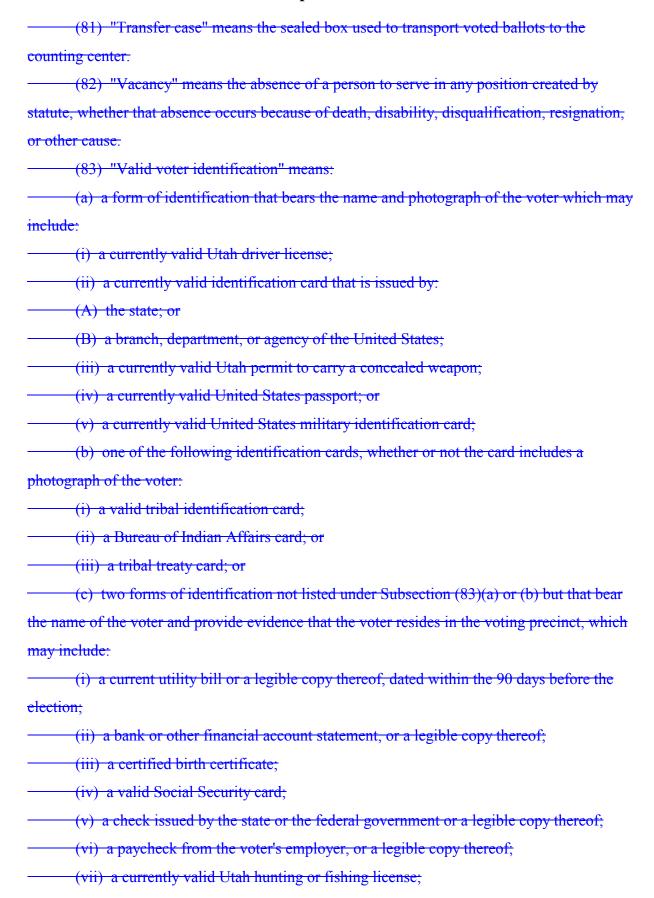


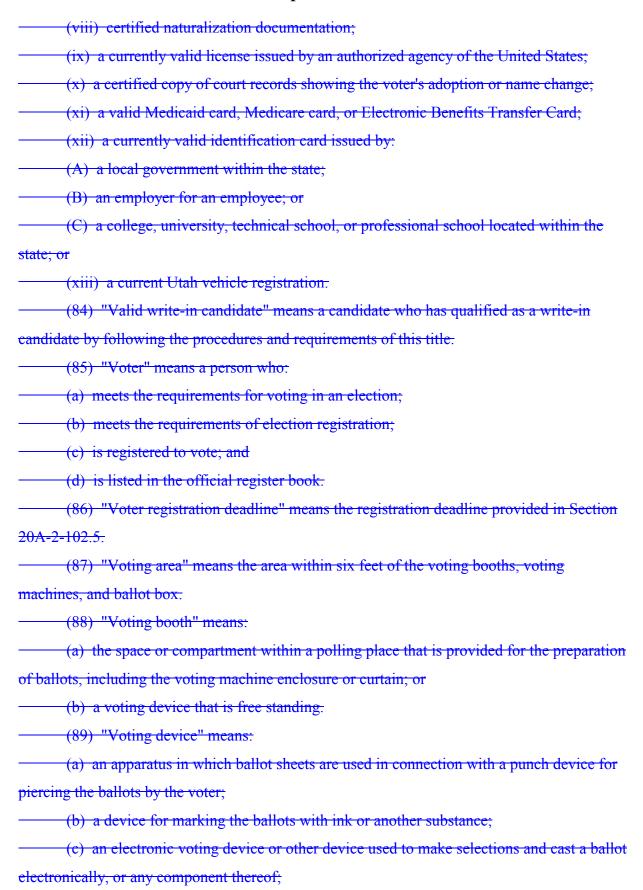


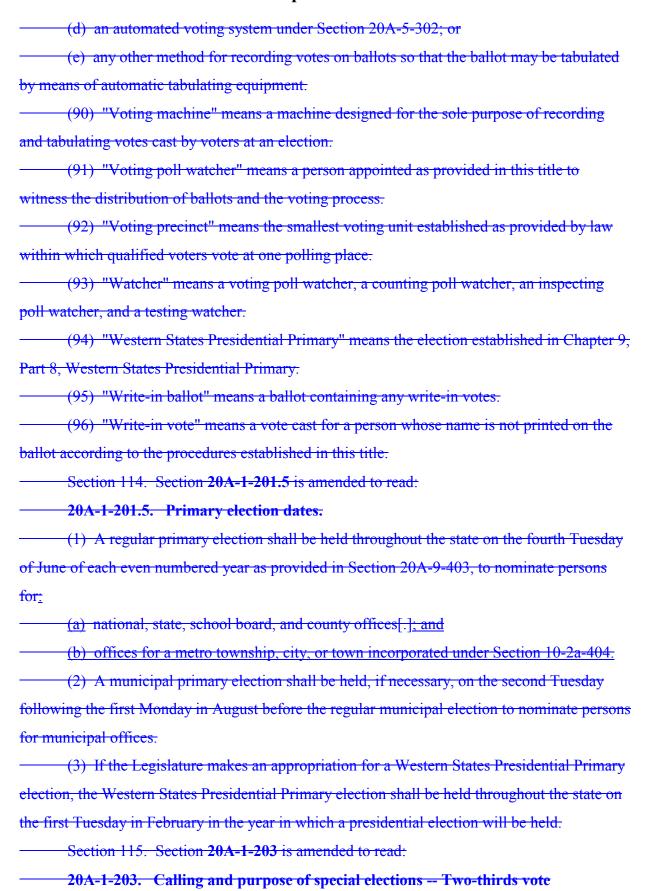




official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted. (67) "Registration form" means a book voter registration form and a by-mail voter registration form. (68) "Regular ballot" means a ballot that is not a provisional ballot. (69) "Regular general election" means the election held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201. (70) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election. (71) "Resident" means a person who resides within a specific voting precinct in Utah. (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405. (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties. (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote. (75) "Special election" means an election held as authorized by Section 20A-1-203. (76) "Spoiled ballot" means each ballot that: (a) is spoiled by the voter; (b) is unable to be voted because it was spoiled by the printer or a poll worker; or (c) lacks the official endorsement. (77) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote. (78) "Stub" means the detachable part of each ballot. (79) "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen. (80) "Ticket" means each list of candidates for each political party or for each group of petitioners.

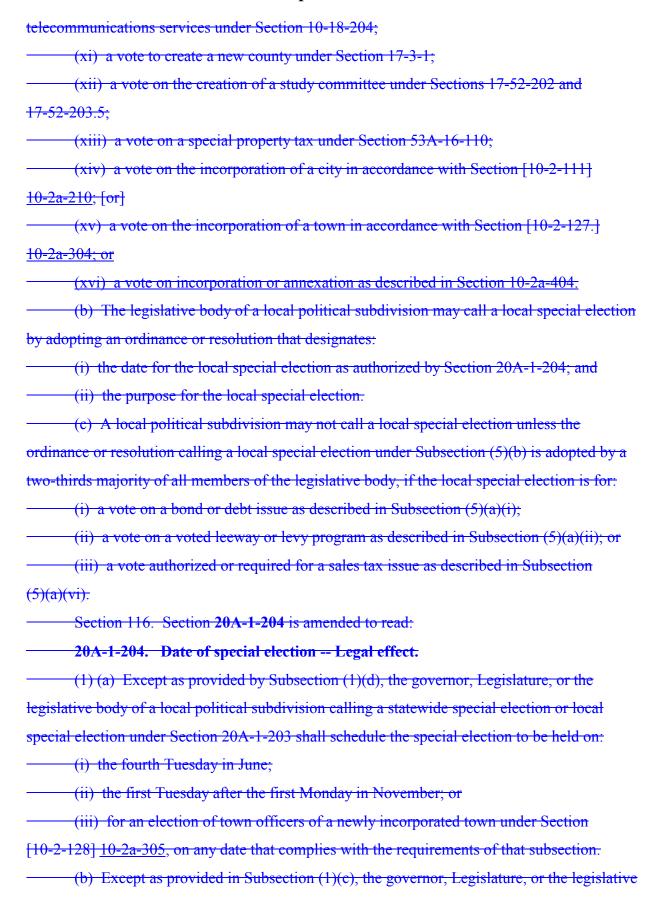




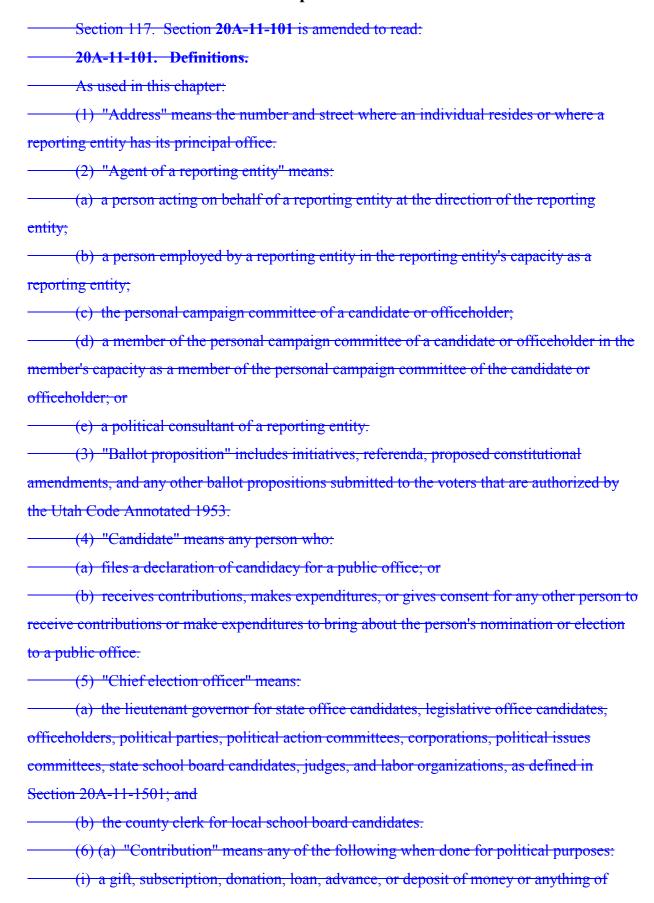


# limitations. (1) Statewide and local special elections may be held for any purpose authorized by <del>law.</del> (2) (a) Statewide special elections shall be conducted using the procedure for regular general elections. (b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections. (3) The governor may call a statewide special election by issuing an executive order that designates: (a) the date for the statewide special election; and (b) the purpose for the statewide special election. (4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates: (a) the date for the statewide special election; and (b) the purpose for the statewide special election. (5) (a) The legislative body of a local political subdivision may call a local special election only for: (i) a vote on a bond or debt issue; (ii) a vote on a voted local levy authorized by Section 53A-16-110 or 53A-17a-133; (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures; (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures; (v) if required or authorized by federal law, a vote to determine whether or not Utah's legal boundaries should be changed; (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act; (vii) a vote to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53A-2-117, following the creation of a new school district under Section 53A-2-118.1; (viii) an election of town officers of a newly incorporated town under Section <del>[10-2-128] 10-2a-305:</del> (ix) an election of officers for a new city under Section [10-2-116] 10-2a-215;

(x) a vote on a municipality providing cable television services or public

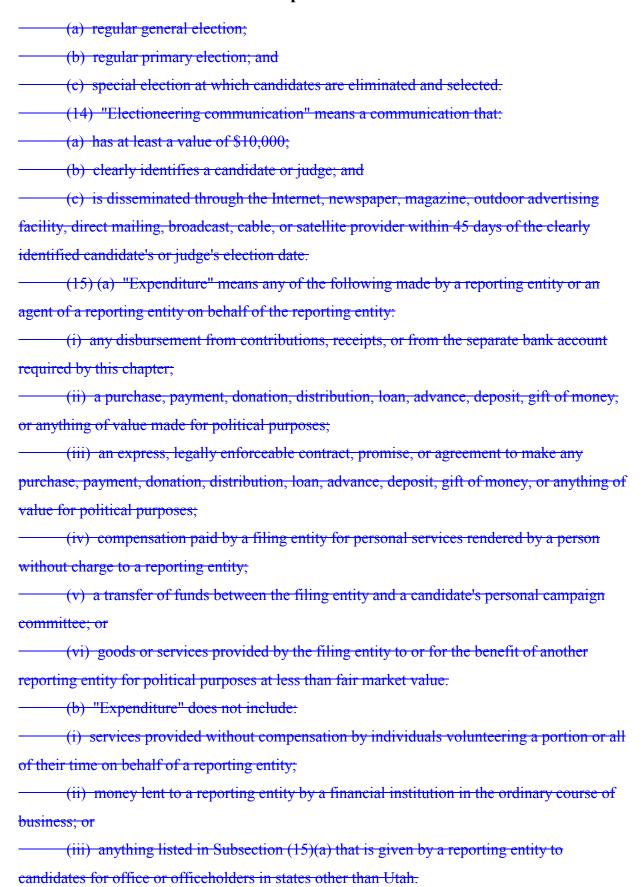


body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date. (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body: (A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute; (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and (C) votes unanimously to hold the special election on that other date. (ii) The legislative body of a local political subdivision may not call a local special election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary. (d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November. (e) Nothing in this section prohibits: (i) the governor or Legislature from submitting a matter to the voters at the regular general election if authorized by law; or (ii) a local government from submitting a matter to the voters at the regular municipal election if authorized by law. (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a special election within a county on the same day as: (i) another special election; (ii) a regular general election; or (iii) a municipal general election. (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate: (i) polling places; (ii) ballots; (iii) election officials; and (iv) other administrative and procedural matters connected with the election.

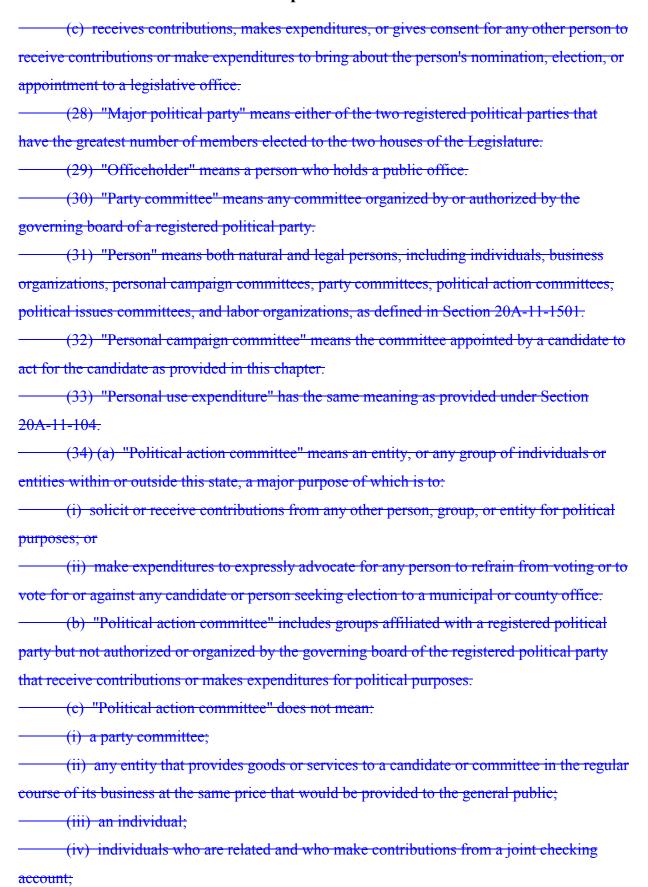


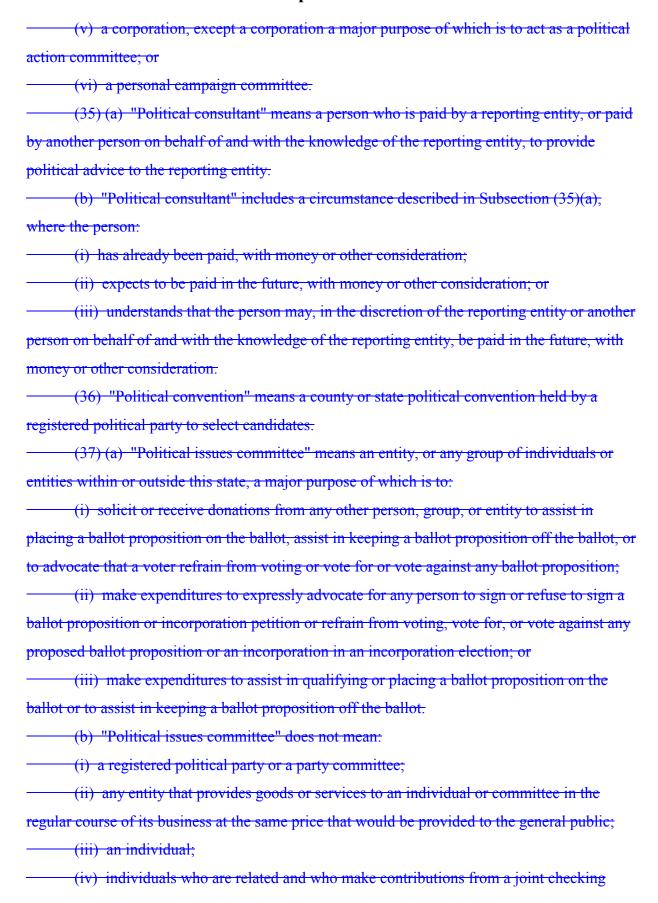
value given to the filing entity; (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity; (iii) any transfer of funds from another reporting entity to the filing entity; (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; (v) remuneration from: (A) any organization or its directly affiliated organization that has a registered lobbyist; or (B) any agency or subdivision of the state, including school districts; (vi) a loan made by a candidate deposited to the candidate's own campaign; and (vii) in-kind contributions. (b) "Contribution" does not include: (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person; (ii) money lent to the filing entity by a financial institution in the ordinary course of business; or (iii) goods or services provided for the benefit of a candidate or political party at less than fair market value that are not authorized by or coordinated with the candidate or political party. (7) "Coordinated with" means that goods or services provided for the benefit of a candidate or political party are provided: (a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object; (b) by agreement with the candidate or political party; (c) in coordination with the candidate or political party; or (d) using official logos, slogans, and similar elements belonging to a candidate or political party. (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business

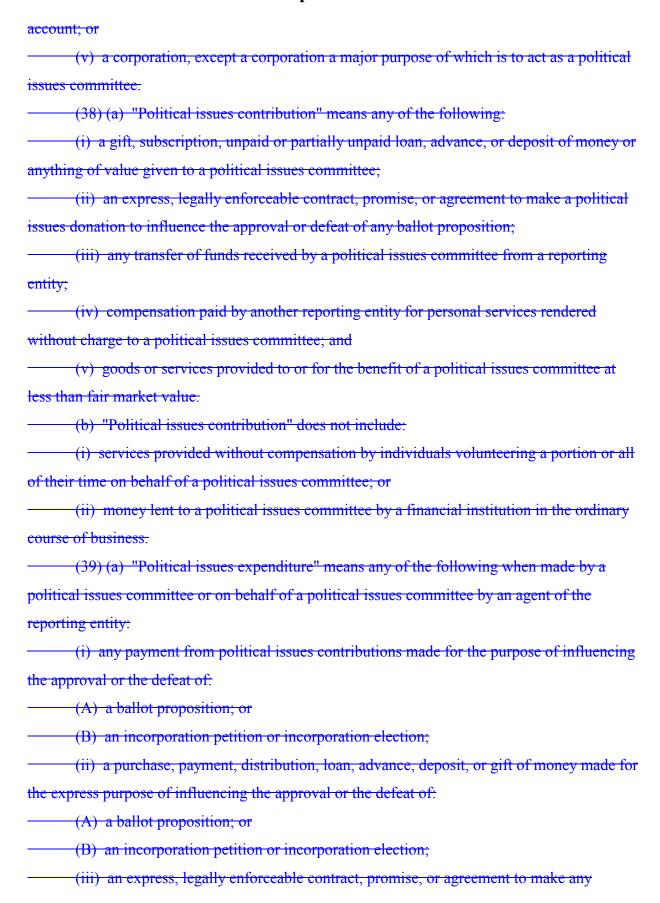
organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for: (i) the purpose of expressly advocating for political purposes; or (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition. (b) "Corporation" does not mean: (i) a business organization's political action committee or political issues committee; or (ii) a business entity organized as a partnership or a sole proprietorship. (9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party. (10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402 (11) "Detailed listing" means: (a) for each contribution or public service assistance: (i) the name and address of the individual or source making the contribution or public service assistance; (ii) the amount or value of the contribution or public service assistance; and (iii) the date the contribution or public service assistance was made; and (b) for each expenditure: (i) the amount of the expenditure; (ii) the person or entity to whom it was disbursed; (iii) the specific purpose, item, or service acquired by the expenditure; and (iv) the date the expenditure was made. (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money. (b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure. (13) "Election" means each:

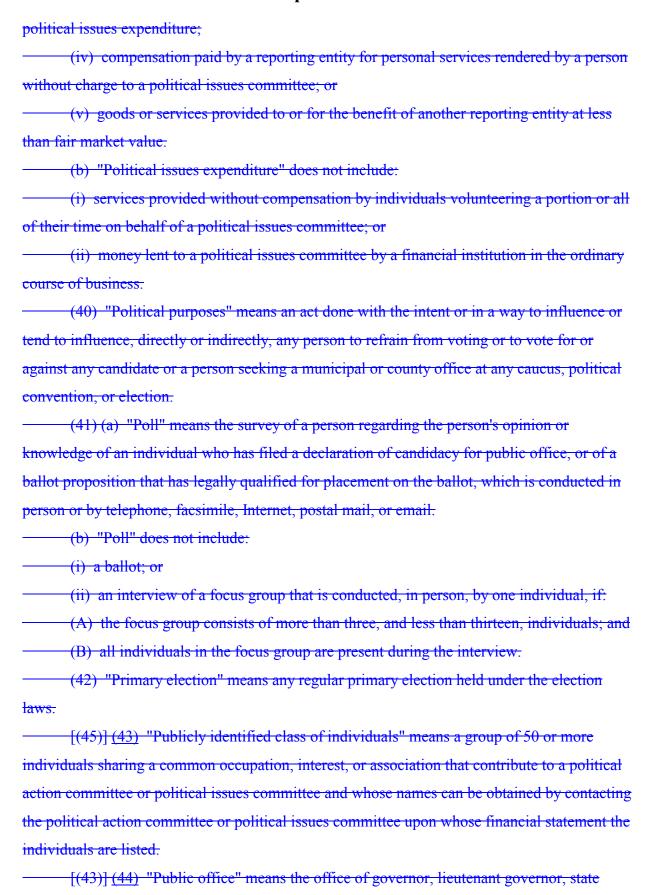


(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative. (17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections. (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections. (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation. (20) "Incorporation" means the process established by Title 10, Chapter [2, Part 1,] 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city [or], town, or metro township. (21) "Incorporation election" means the election authorized by Section [10-2-111 or 10-2-127] 10-2a-210, 10-2a-304, or 10-2a-404. (22) "Incorporation petition" means a petition authorized by Section [10-2-109] <del>10-2a-208</del> or [10-2-125] <u>10-2a-302</u>. (23) "Individual" means a natural person. (24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity. (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report. (26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature. (27) "Legislative office candidate" means a person who: (a) files a declaration of candidacy for the office of state senator or state representative; (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or



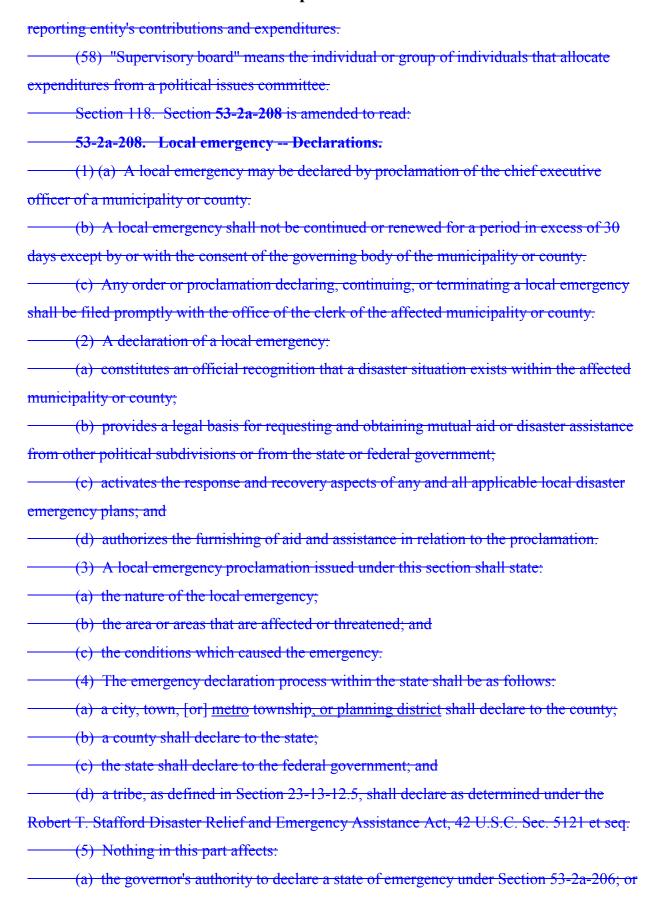


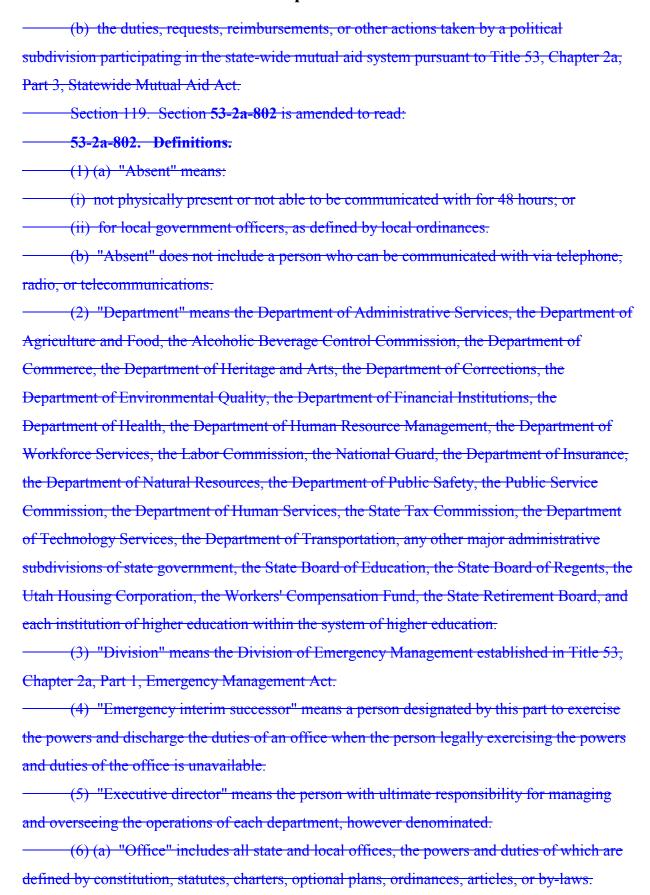


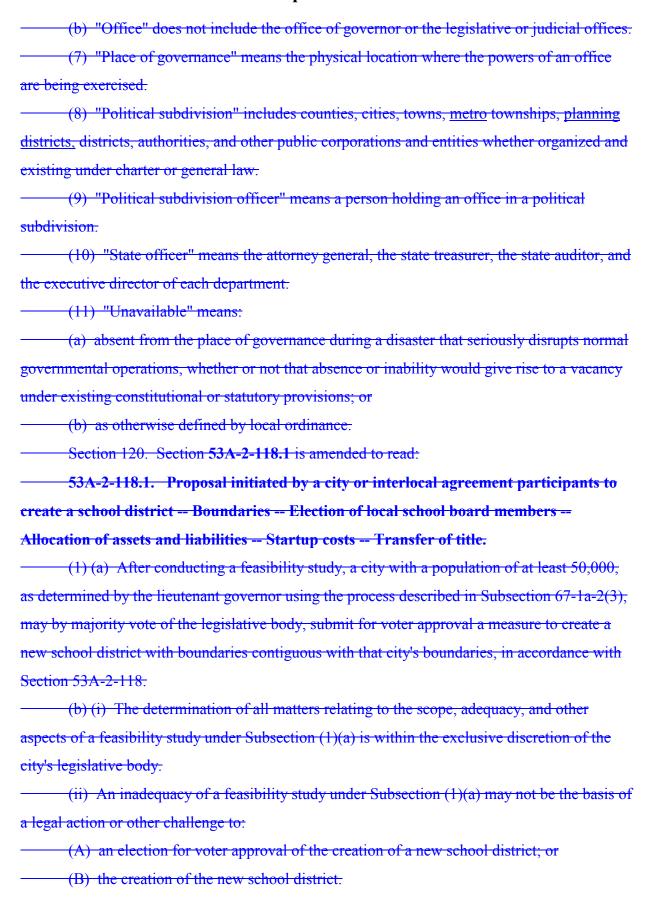


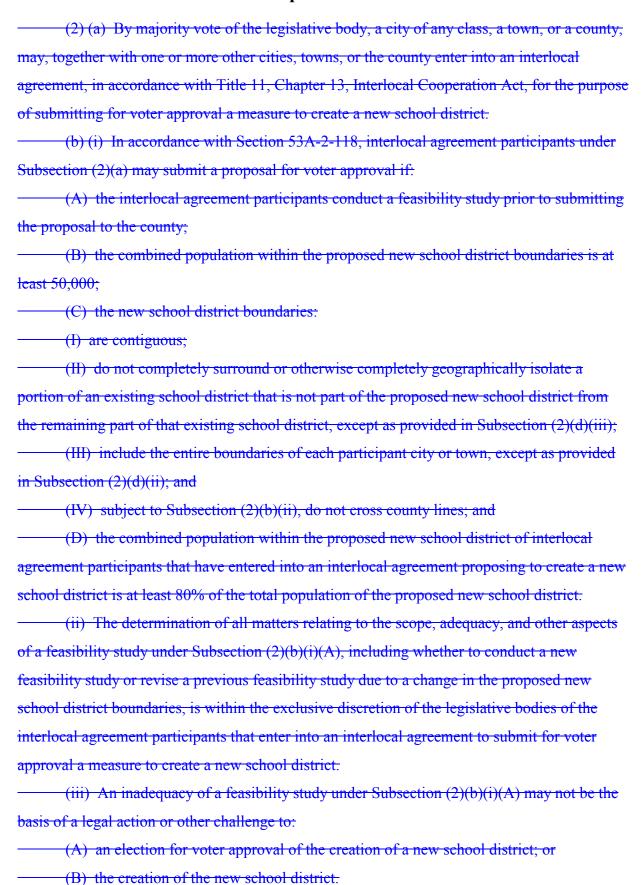
auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature. [(44)] (45) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents: (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder. (b) "Public service assistance" does not include: (i) anything provided by the state; (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder; (iii) money lent to an officeholder by a financial institution in the ordinary course of business; (iv) news coverage or any publication by the news media; or (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder. (46) "Receipts" means contributions and public service assistance. (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act. (48) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor. (49) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor. (50) "Registered political party" means an organization of voters that: (a) participated in the last regular general election and polled a total vote equal to 2%

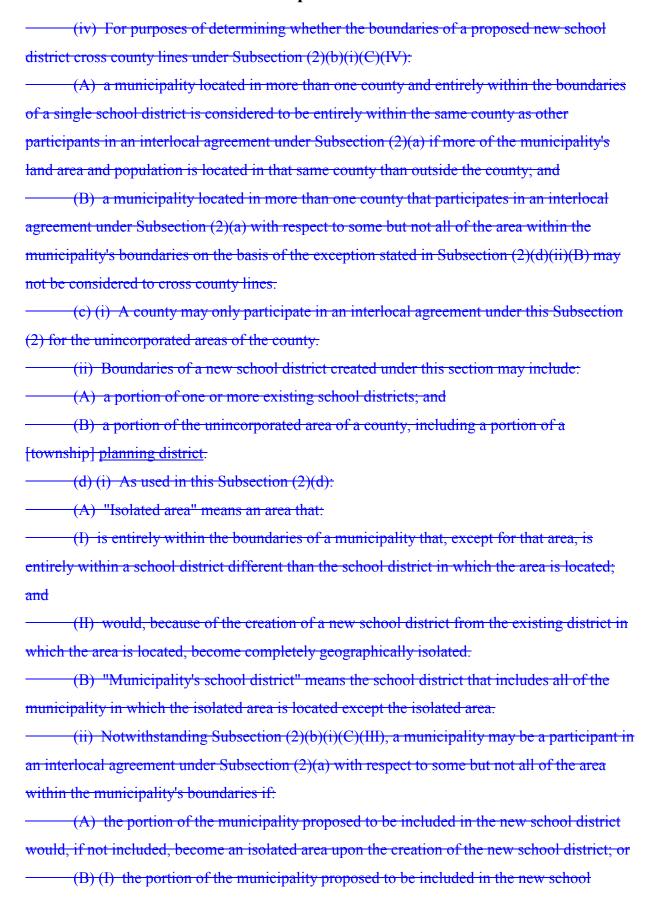
or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures. (51) (a) "Remuneration" means a payment: (i) made to a legislator for the period the Legislature is in session; and (ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business. (b) "Remuneration" does not mean anything of economic value given to a legislator by: (i) the legislator's primary employer in the ordinary course of business; or (ii) a person or entity in the ordinary course of business: (A) because of the legislator's ownership interest in the entity; or (B) for services rendered by the legislator on behalf of the person or entity. (52) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501. (53) "School board office" means the office of state school board. (54) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution. (b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation. (55) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer. (56) "State office candidate" means a person who: (a) files a declaration of candidacy for a state office; or (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office. (57) "Summary report" means the year end report containing the summary of a







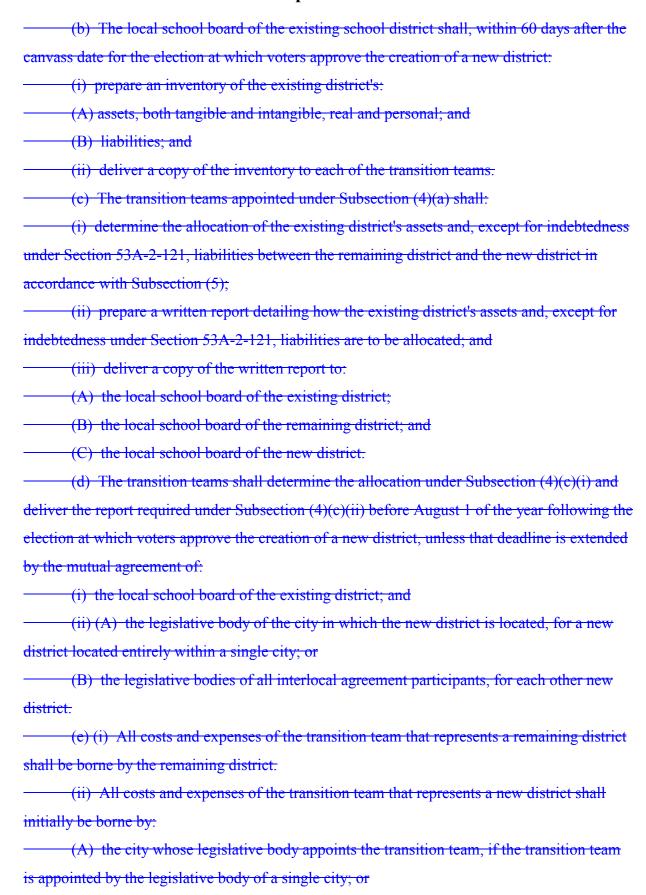


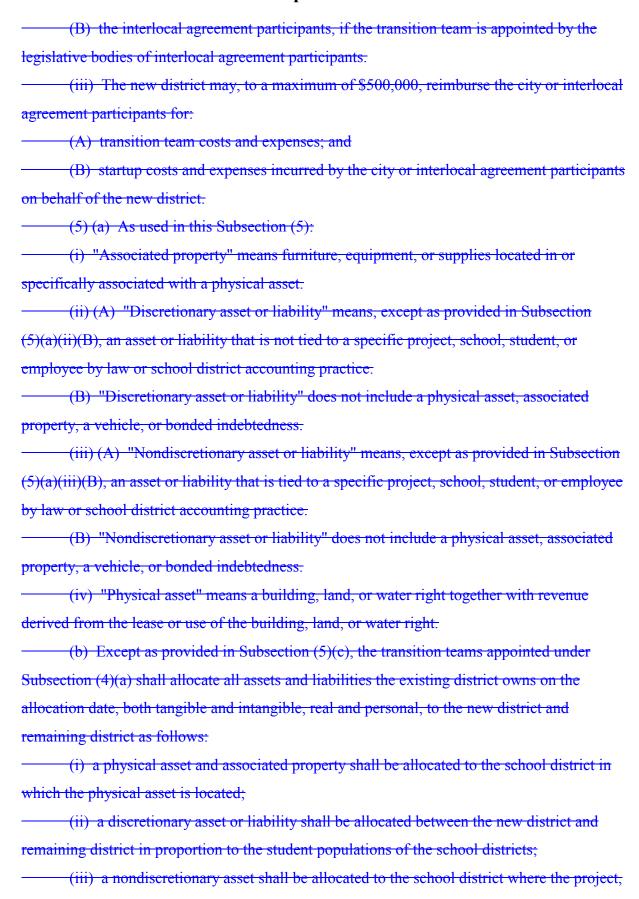


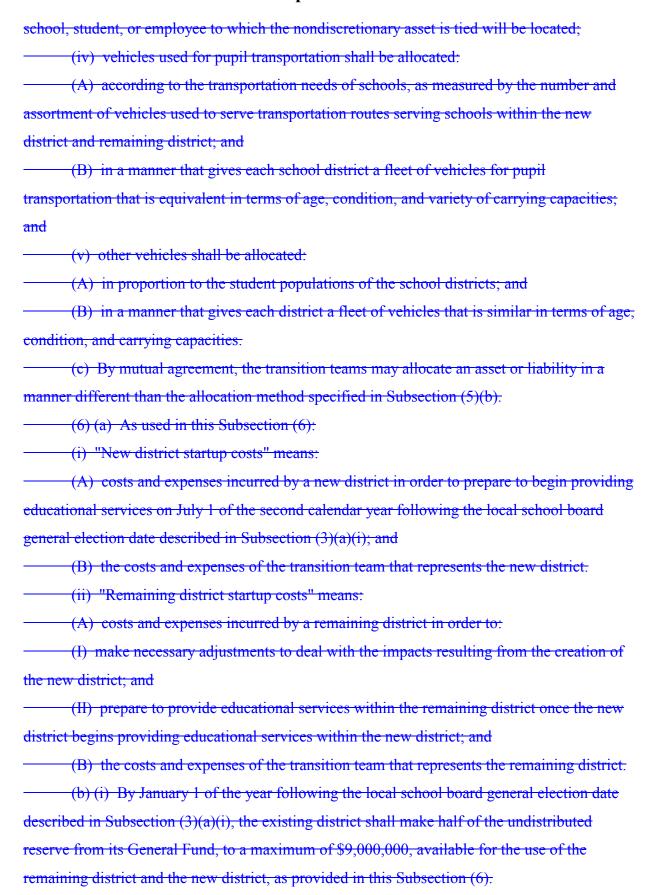
district is within the boundaries of the same school district that includes the other interlocal agreement participants; and (II) the portion of the municipality proposed to be excluded from the new school district is within the boundaries of a school district other than the school district that includes the other interlocal agreement participants. (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school district may be submitted for voter approval pursuant to an interlocal agreement under Subsection (2)(a), even though the new school district boundaries would create an isolated area, if: (I) the potential isolated area is contiguous to one or more of the interlocal agreement participants; (II) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to create a new school district that includes the potential isolated area; and (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the municipality has not entered into an interlocal agreement as requested in the request. (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold one or more public hearings to allow input from the public and affected school districts regarding whether or not the municipality should enter into an interlocal agreement with respect to the potential isolated area. (C) (I) This Subsection (2)(d)(iii)(C) applies if: (Aa) a new school district is created under this section after a measure is submitted to voters based on the authority of Subsection (2)(d)(iii)(A); and (Bb) the creation of the new school district results in an isolated area. (II) The isolated area shall, on July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i), become part of the municipality's school district. (III) Unless the isolated area is the only remaining part of the existing district, the process described in Subsection (4) shall be modified to: (Aa) include a third transition team, appointed by the local school board of the

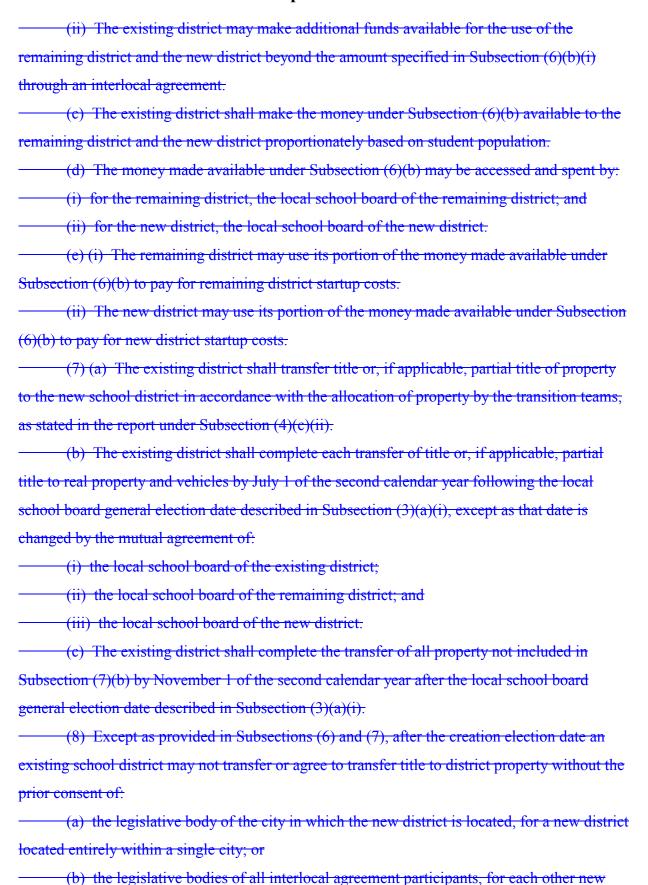
municipality's school district, to represent that school district; and (Bb) require allocation of the existing district's assets and liabilities among the new district, the remaining district, and the municipality's school district. (IV) The existing district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i). (3) (a) If a proposal under this section is approved by voters: (i) an election shall be held at the next regular general election to elect: (A) members to the local school board of the existing school district whose terms are expiring; (B) all members to the local school board of the new school district; and (C) all members to the local school board of the remaining district; (ii) the assets and liabilities of the existing school district shall be divided between the remaining school district and the new school district as provided in Subsection (5) and Section 53A-2-121: (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and 53A-2-122; (iv) (A) an individual residing within the boundaries of a new school district at the time the new school district is created may, for six school years after the creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the new school district if: (I) the individual resides within the boundaries of that secondary school as of the day before the new school district is created; and (II) the individual would have been eligible to enroll in that secondary school had the new school district not been created; and (B) the school district in which the secondary school is located shall provide educational services, including, if provided before the creation of the new school district, busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school year for which the individual makes the election; and (v) within one year after the new district begins providing educational services, the superintendent of each remaining district affected and the superintendent of the new district

shall meet, together with the Superintendent of Public Instruction, to determine if further boundary changes should be proposed in accordance with Section 53A-2-104. (b) (i) The terms of the initial members of the local school board of the new district and remaining district shall be staggered and adjusted by the county legislative body so that approximately half of the local school board is elected every two years. (ii) The term of a member of the existing local school board, including a member elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local school board general election date described in Subsection (3)(a)(i), regardless of when the term would otherwise have terminated. (iii) Notwithstanding the existence of a local school board for the new district and a local school board for the remaining district under Subsection (3)(a)(i), the local school board of the existing district shall continue, until the time specified in Subsection 53A-2-118(5)(b)(ii)(A), to function and exercise authority as a local school board to the extent necessary to continue to provide educational services to the entire existing district. (iv) A person may simultaneously serve as or be elected to be a member of the local school board of an existing district and a member of the local school board of: (A) a new district; or (B) a remaining district. (4) (a) Within 45 days after the canvass date for the election at which voters approve the creation of a new district: (i) a transition team to represent the remaining district shall be appointed by the members of the existing local school board who reside within the area of the remaining district, in consultation with: (A) the legislative bodies of all municipalities in the area of the remaining district; and (B) the legislative body of the county in which the remaining district is located, if the remaining district includes one or more unincorporated areas of the county; and (ii) another transition team to represent the new district shall be appointed by: (A) for a new district located entirely within the boundaries of a single city, the legislative body of that city; or (B) for each other new district, the legislative bodies of all interlocal agreement participants.





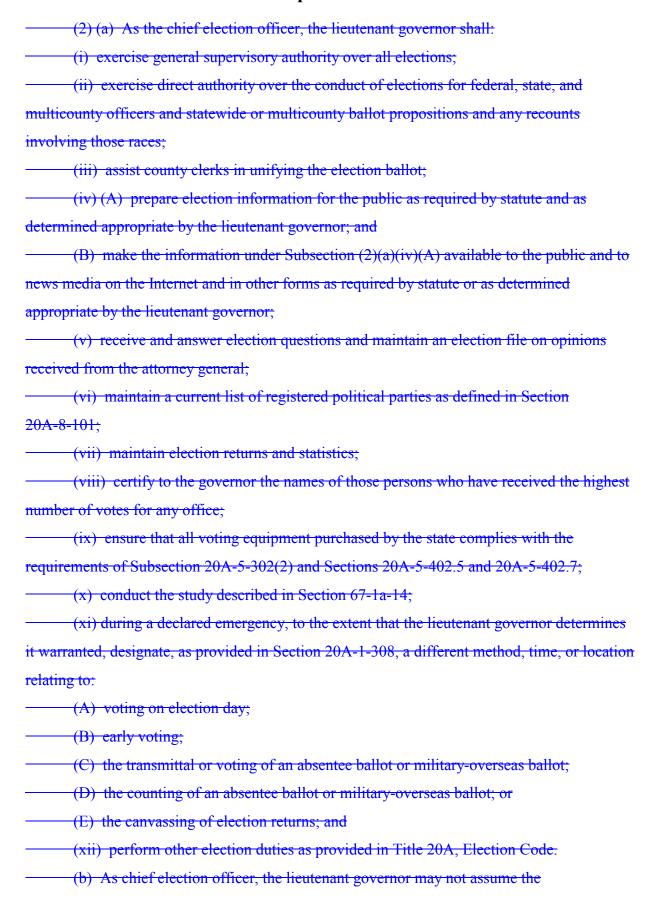




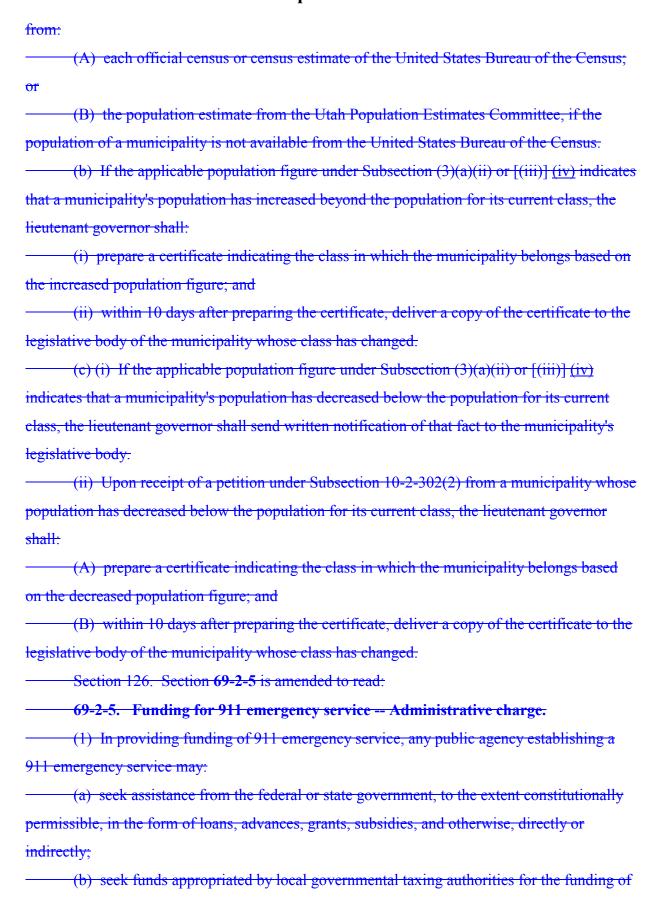
# district. (9) This section does not apply to the creation of a new district initiated through a citizens' initiative petition or at the request of a local school board under Section 53A-2-118. Section 121. Section 53A-2-402 is amended to read: 53A-2-402. Definitions. As used in this part: (1) "Eligible entity" means: (a) a city or town with a population density of 3,000 or more people per square mile; or (b) a county whose unincorporated area includes a qualifying [township] planning district. (2) "Purchase price" means the greater of: (a) an amount that is the average of: (i) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the eligible entity; and (ii) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the school district; and (b) the amount the school district paid to acquire the surplus property. (3) "Qualifying [township] planning district" means a [township] planning district under Section 17-27a-306 that has a population density of 3,000 or more people per square mile within the boundaries of the [township] planning district. (4) "Surplus property" means land owned by a school district that: (a) was purchased with taxpayer money; (b) is located within a city or town that is an eligible entity or within a qualifying [township] planning district; (c) consists of one contiguous tract at least three acres in size; and (d) has been declared by the school district to be surplus. Section 122. Section 53B-21-107 is amended to read: 53B-21-107. Investment in bonds by private and public entities -- Approval as collateral security. (1) Any bank, savings and loan association, trust, or insurance company organized under the laws of this state or federal law may invest its capital and surplus in bonds issued

# under this chapter. (2) The officers having charge of a sinking fund or any county, city, town, [township] planning district, or school district may invest the sinking fund in bonds issued under this chapter. (3) The bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds. Section 123. Section 59-12-203 is amended to read: 59-12-203. County, city, town, or metro township may levy tax -- Contracts pursuant to Interlocal Cooperation Act. [Any] (1) A county, city, [or] town, or metro township may [levy] impose a sales and use tax under this part. [Any] (2) If a metro township imposes a tax under this part, the metro township is subject to the same requirements a city is required to meet under this part. (3) (a) Except as provided in Subsection (3)(b) and notwithstanding any other provision of this part, if a metro township imposes a tax under this part, the State Tax Commission shall distribute the revenues collected from the tax to the metro township. (b) The State Tax Commission shall transfer the revenues collected within a metro township under this part to a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act, if the metro township: (i) provides written notice to the State Tax Commission requesting the transfer; and (ii) designates the municipal services district to which the metro township requests the State Tax Commission to transfer the revenues. (4) A county, city, [or] town [which elects to levy such], or metro township that imposes a sales and use tax under this part may: (a) enter into agreements authorized by Title 11, Chapter 13, [the] Interlocal Cooperation Act[,]; and [may] (b) use any or all of the [revenues derived from the imposition of such] revenue collected from the tax for the mutual benefit of local governments [which] that elect to contract with one another pursuant to [the] Title 11, Chapter 13, Interlocal Cooperation Act. Section 124. Section 63I-2-210 is amended to read: **63I-2-210.** Repeal dates -- Title 10.

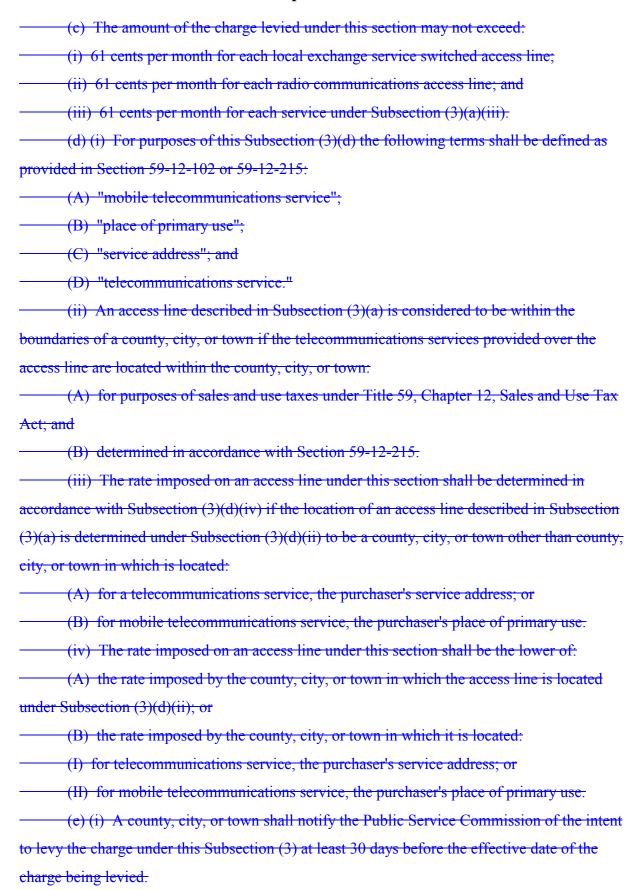
(1) Section  $\{\{\}\}$  10-2-130 $\{\{\}\}$  10-2a-105 $\}$  is repealed July 1, [2016] 2017. (2) Subsection 10-9a-305(2) is repealed July 1, 2013. Section 125. Section 67-1a-2 is amended to read: 67-1a-2. Duties enumerated. (1) The lieutenant governor shall: (a) perform duties delegated by the governor, including assignments to serve in any of the following capacities: (i) as the head of any one department, if so qualified, with the consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation; (ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs; (iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests; (iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state; (v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and (vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor; (b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor; (c) serve as the chief election officer of the state as required by Subsection (2); (d) keep custody of the Great Seal of Utah; (e) keep a register of, and attest, the official acts of the governor; (f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and (g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

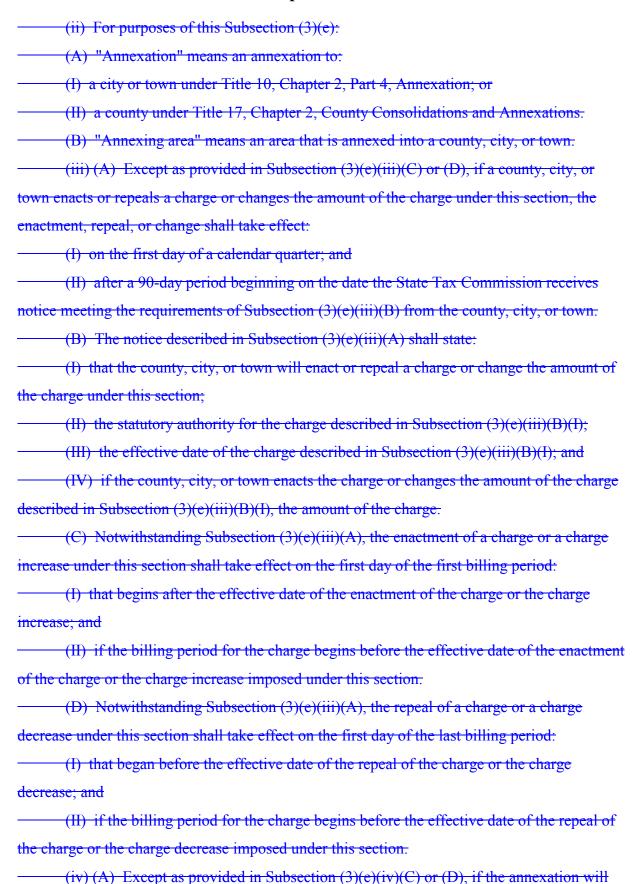


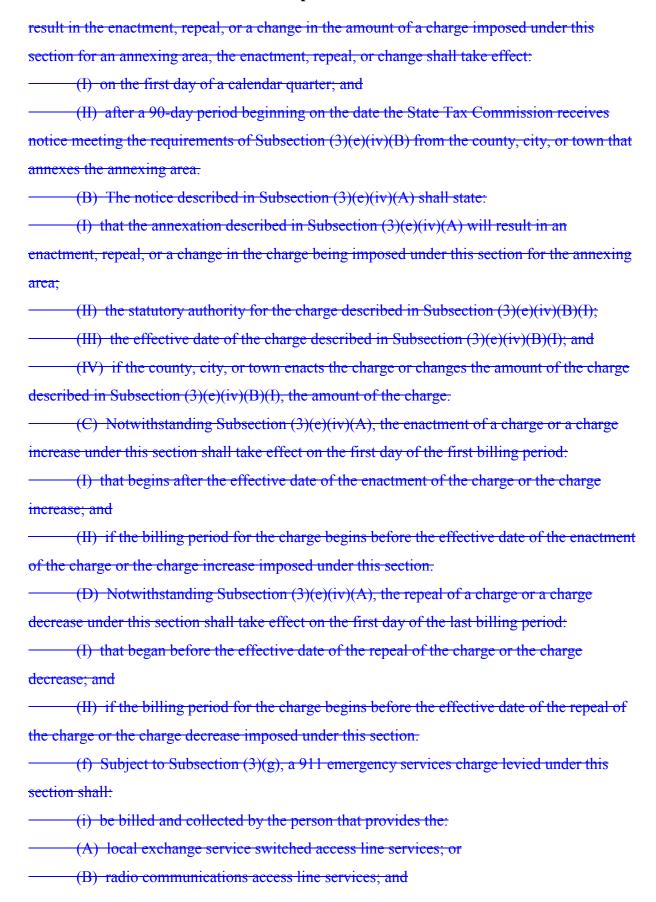
responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code. (3) (a) The lieutenant governor shall: (i) (A) determine a new city's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter [2, Part 1, Incorporation,] 2a, Part 2, Incorporation of a City, based on the city's population using the population estimate from the Utah Population Estimates Committee; and (B) (I) prepare a certificate indicating the class in which the new city belongs based on the city's population; and (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the city's legislative body; (ii) (A) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information from: (I) each official census or census estimate of the United States Bureau of the Census; <del>or</del> (II) the population estimate from the Utah Population Estimates Committee, if the population of a municipality is not available from the United States Bureau of the Census; and (B) (I) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and (II) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body; [and] (iii) (A) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the **Utah Population Estimates Committee**; and (B) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate, deliver a copy of the certificate to the metro township's legislative body; and [(iii)] (iv) monitor the population of each municipality using population information

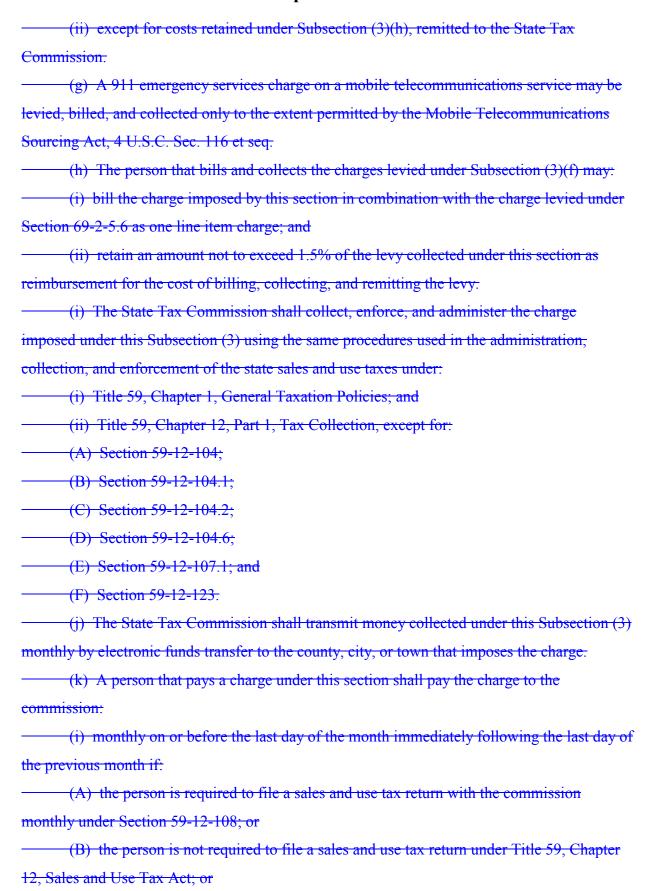


public safety agencies; and (c) seek gifts, donations, or grants from individuals, corporations, or other private entities. (2) For purposes of providing funding of 911 emergency service, special service districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur indebtedness as provided in Section 17D-1-103. (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of this Subsection (3), a county, city, [or] town, or metro township within which 911 emergency service is provided may levy a monthly 911 emergency services charge on: [(i)] (A) each local exchange service switched access line within the boundaries of the county, city, [or] town, or metro township; [(ii)] (B) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, [or] town, or metro township; and [(iii)] (C) any other service, including voice over Internet protocol, provided to a user within the boundaries of the county, city, [or] town, or metro township that allows the user to make calls to and receive calls from the public switched telecommunications network, including commercial mobile radio service networks. (ii) If a metro township levies a charge under this chapter, the metro township is subject to the same requirements a city is required to meet under this chapter. (iii) Except as provided in Subsection (3)(a)(iv) and notwithstanding any other provision of this chapter, if a metro township levies a charge described in Subsection (3)(a)(i) under this chapter, the State Tax Commission shall distribute the revenue collected from the charge to the metro township. (iv) The State Tax Commission shall transfer the revenues collected within a metro township under this chapter to a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act, if the metro township: (A) provides written notice to the State Tax Commission requesting the transfer; and (B) designates the municipal services district to which the metro township requests the State Tax Commission to transfer the revenues. (b) Notwithstanding Subsection (3)(a), an access line provided for public coin telecommunications service is exempt from 911 emergency service charges.



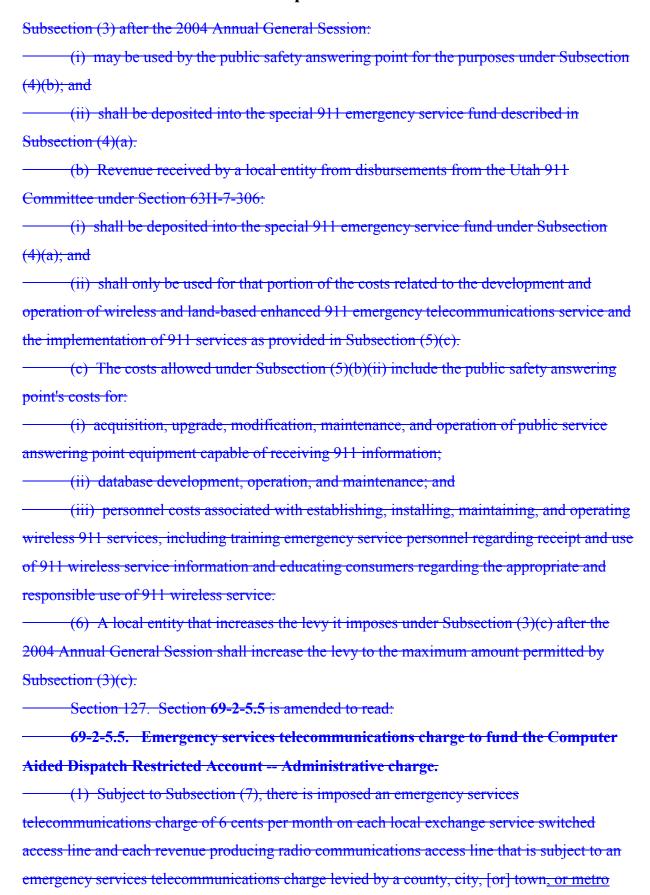


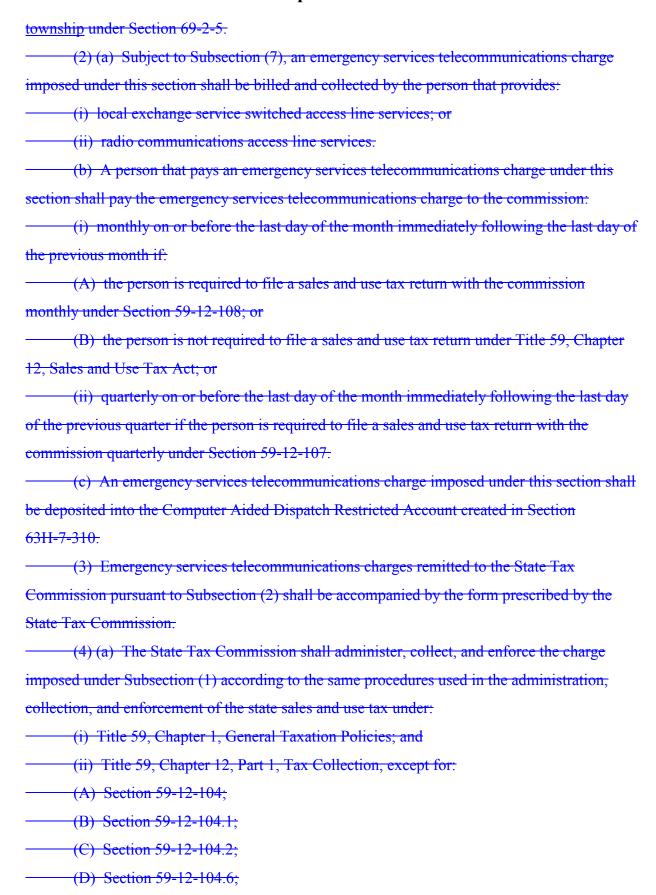


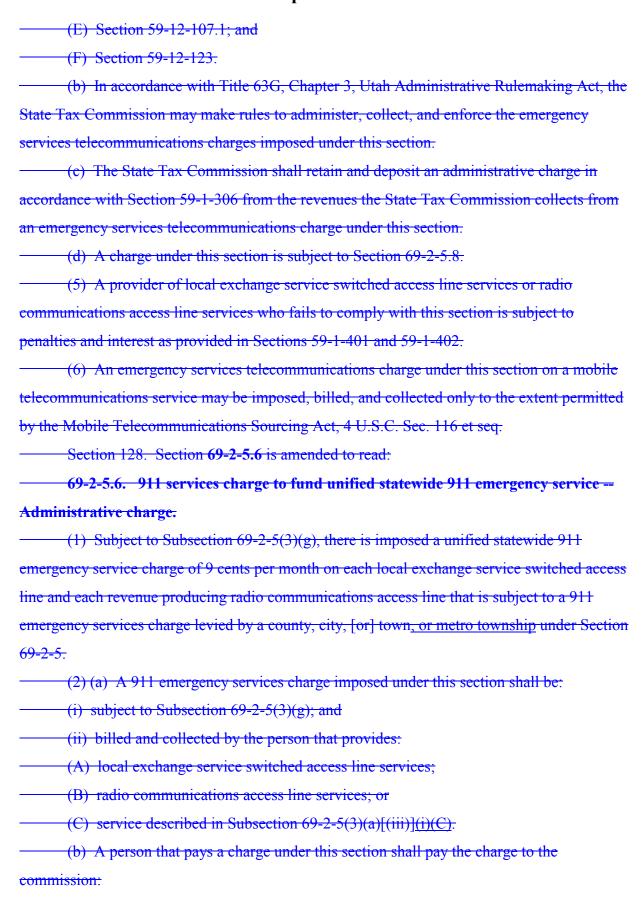


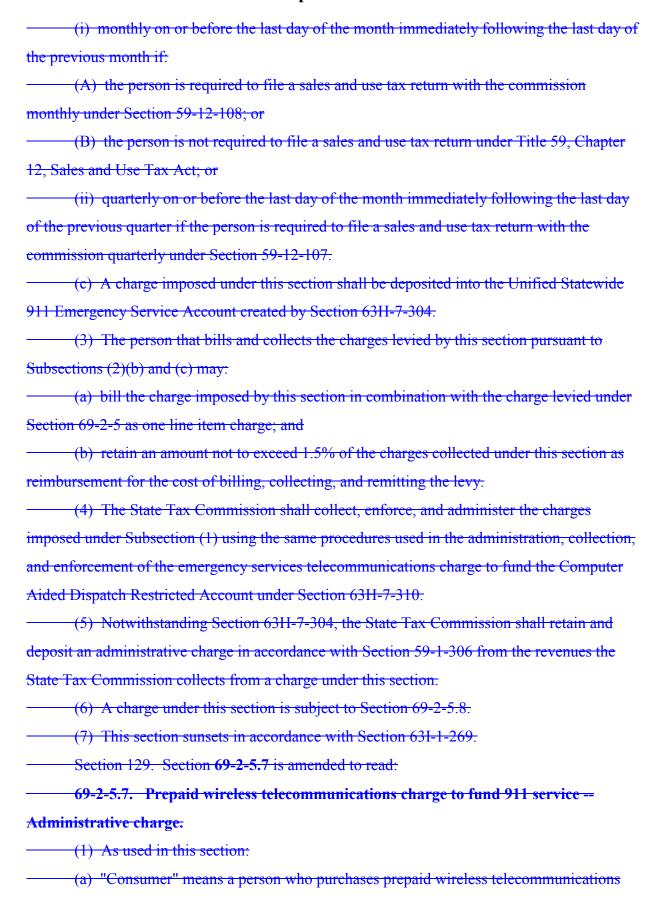
(ii) quarterly on or before the last day of the month immediately following the last day of the previous quarter if the person is required to file a sales and use tax return with the commission quarterly under Section 59-12-107. (1) A charge a person pays under this section shall be paid using a form prescribed by the State Tax Commission. (m) The State Tax Commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a charge under this section. (n) A charge under this section is subject to Section 69-2-5.8. (4) (a) Any money received by a public agency for the provision of 911 emergency service shall be deposited in a special emergency telecommunications service fund. (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency service fund shall be expended by the public agency to pay the costs of: (A) establishing, installing, maintaining, and operating a 911 emergency service system; (B) receiving and processing emergency communications from the 911 system or other communications or requests for emergency services; (C) integrating a 911 emergency service system into an established public safety dispatch center, including contracting with the providers of local exchange service, radio communications service, and vendors of appropriate terminal equipment as necessary to implement the 911 emergency services; or (D) indirect costs associated with the maintaining and operating of a 911 emergency services system. (ii) Revenues derived for the funding of 911 emergency service may be used by the public agency for personnel costs associated with receiving and processing communications and deploying emergency response resources when the system is integrated with any public safety dispatch system. (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal year does not lapse, and must be carried forward to be used for the purposes described in this section.

(5) (a) Revenue received by a local entity from an increase in the levy imposed under









# service in a transaction. (b) "Prepaid wireless 911 service charge" means the charge that is required to be collected by a seller from a consumer in the amount established under Subsection (2). (c) (i) "Prepaid wireless telecommunications service" means a wireless telecommunications service that: (A) is paid for in advance; (B) is sold in predetermined units of time or dollars that decline with use in a known amount or provides unlimited use of the service for a fixed amount or time; and (C) allows a caller to access 911 emergency service. (ii) "Prepaid wireless telecommunications service" does not include a wireless telecommunications service that is billed: (A) to a customer on a recurring basis; and (B) in a manner that includes the emergency services telecommunications charges, described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line assigned to the customer. (d) "Seller" means a person that sells prepaid wireless telecommunications service to a consumer. (e) "Transaction" means each purchase of prepaid wireless telecommunications service from a seller. (f) "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. Sec. 20.3, as amended. (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price per transaction. (3) The prepaid wireless 911 service charge shall be collected by the seller from the consumer for each transaction occurring in this state. (4) The prepaid wireless 911 service charge shall be separately stated on an invoice, receipt, or similar document that is provided by the seller to the consumer. (5) For purposes of Subsection (3), the location of a transaction is determined in accordance with Sections 59-12-211 through 59-12-215. (6) When prepaid wireless telecommunications service is sold with one or more other

products or services for a single non-itemized price, then the percentage specified in Section

(2) shall apply to the entire non-itemized price.
(7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
<del>charge.</del>
(8) Prepaid wireless 911 service charges collected by a seller, except as retained under
Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
Sales and Use Tax Act.
(9) The State Tax Commission:
(a) shall collect, enforce, and administer the charge imposed under this section using
the same procedures used in the administration, collection, and enforcement of the state sales
and use taxes under:
(i) Title 59, Chapter 1, General Taxation Policies; and
(ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
(A) Section 59-12-104;
(B) Section 59-12-104.1;
(C) Section 59-12-104.2;
(D) Section 59-12-107.1; and
(E) Section 59-12-123;
(b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
under Subsection (9)(a) as reimbursement for administering this section;
(c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
under Subsection (9)(b), as follows:
(i) 80.3% of the revenue shall be distributed to each county, city, [or] town, or metro
township in the same percentages and in the same manner as the entities receive money to fund
911 emergency telecommunications services under Section 69-2-5;
(ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch
Restricted Account created in Section 63H-7-310; and
(iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911
emergency service as in Section 69-2-5.6; and
(d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative

Rulemaking Act, to administe	r, collect, and enforce the charges imposed under this section.
(10) A charge under the	his section is subject to Section 69-2-5.8.
Section 130. Section 7	78A-7-202 is amended to read:
78A-7-202. Justice c	ourt judges to be appointed Procedure.
(1) As used in this sec	<del>ction:</del>
(a) "Local governmen	t executive" means:
(i) for a county:	
(A) the chair of the co	ounty commission in a county operating under the county
commission or expanded cour	nty commission form of county government;
(B) the county executive	ive in a county operating under the county executive-council form
of county government; and	
(C) the county manage	er in a county operating under the council-manager form of
county government; [and]	
(ii) for a city or town:	
(A) the mayor of the c	city or town; or
(B) the city manager,	in the council-manager form of government described in
Subsection 10-3b-103[(6).](7)	<del>; and</del>
(iii) for a metro towns	ship, the chair of the metro township council.
(b) "Local legislative"	body" means:
(i) for a county, the co	ounty commission or county council; and
(ii) for a city or town,	the council of the city or town.
(2) There is created in	each county a county justice court nominating commission to
review applicants and make re	ecommendations to the appointing authority for a justice court
position. The commission sha	all be convened when a new justice court judge position is created
or when a vacancy in an existi	ing court occurs for a justice court located within the county.
(a) Membership of the	e justice court nominating commission shall be as follows:
(i) one member appoin	nted by:
(A) the county commi	ission if the county has a county commission form of
government; or	
(B) the county execution	ive if the county has an executive-council form of government;
(ii) one member appoi	inted by the municipalities in the counties as follows:

(A) if the county has only one municipality, appointment shall be made by the
governing authority of that municipality; or
(B) if the county has more than one municipality, appointment shall be made by a
municipal selection committee composed of the mayors of each municipality and the chairs of
each metro township in the county;
(iii) one member appointed by the county bar association; and
(iv) two members appointed by the governing authority of the jurisdiction where the
judicial office is located.
(b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be
appointed by the regional bar association. If no regional bar association exists, the state bar
association shall make the appointment.
(c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing
authority or an elected official of a county or municipality.
(d) The nominating commission shall submit at least two names to the appointing
authority of the jurisdiction expected to be served by the judge. The local government
executive shall appoint a judge from the list submitted and the appointment ratified by the local
<del>legislative body.</del>
(e) The state court administrator shall provide staff to the commission. The Judicial
Council shall establish rules and procedures for the conduct of the commission.
(3) Judicial vacancies shall be advertised in a newspaper of general circulation, through
the Utah State Bar, and other appropriate means.
(4) Selection of candidates shall be based on compliance with the requirements for
office and competence to serve as a judge.
(5) Once selected, every prospective justice court judge shall attend an orientation
seminar conducted under the direction of the Judicial Council. Upon completion of the
orientation program, the Judicial Council shall certify the justice court judge as qualified to
hold office.
(6) The selection of a person to fill the office of justice court judge is effective upon
certification of the judge by the Judicial Council. A justice court judge may not perform
judicial duties until certified by the Judicial Council.
Section 131. Repealer.

